

**Field Organization and  
Administrative History of the National Forest System**

By Peter L. Stark

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# Administrative History of the National Forest System

After a brief introduction on the beginnings of federal forestry, there follows the first part of this introductory essay whose purpose is to explain the origin and changing boundaries of the nation-wide regional or field organization of the U.S. Forest Service. The second part will try to familiarize the reader with the essential context of the administrative actions listed under each national forest in the nine Regional Chapters found on this website. For example, when the user encounters an administrative action such as “Land eliminated to compensate the state of Idaho for the loss of its school sections to the National Forests” this introduction will help the user to understand the state school sections issue and why this and other administrative actions affecting the land base of the National Forest System was necessary.

## 1. An Outline of Federal Forestry

The National Forest System had its beginnings in the abuse of the federal government’s laws and policies for the disposal of the public lands. Gifford Pinchot in Chapter 12 of his renowned 1947 book *Breaking New Ground* describes how the Homestead Act (1862), the Mineral Land Act (1866), the Desert Land Act (1877), and the Timber and Stone Act (1878) were all deliberately, fraudulently, and tragically taken advantage of by exploiters of the public domain.<sup>1</sup> Congress made an attempt to reform the abuses by enacting “An Act to repeal timber culture laws and for other purposes” on March 3, 1891 (26 Stat. 1095). Section 24 of this law allowed the President to set apart and reserve public lands “wholly or in part covered in timber or undergrowth, whether of commercial value or not, as public reservations.” This signaled, in the words of geographer and scholar Ronald F. Lockman, “a profound turnabout in the nation’s treatment of its public domain. For the first time a concept of retaining public lands for the future use of the citizenry replaced the practice of rapid disposal of all federal lands.”<sup>2</sup> By the end of 1896 there had been 17 separately proclaimed Forest Reserves, as the early National Forests were known, for a total area of nearly 18 million acres in the western United States under the law of March 3, 1891. The first reserve established was the 1,239,040-acre Yellowstone Park and Timber Land Reserve, proclaimed by President Harrison only a few weeks after the passage of the 1891 law on March 30, 1891.

The 1891 law has been often referred to as the “Forest Reserve Act” and sometimes the “Creative Act,” yet it did not provide any guidance concerning how the Forest Reserves would be administered. Many questions and issues arose almost immediately after the creation of the first reserve. Would the Department of the Interior’s General Land Office, the agency having jurisdiction over the reserves, be able to sell timber? Would the grazing of sheep and cattle be allowed? Would prospectors be able to file mining claims within the new reserves, or would the public even be allowed to enter the forest reserves? These questions and many others would trouble the General Land Office for several years after the first reserves were created. Seeking expert advice on the administration of the reserves, President Cleveland’s Secretary of the Interior, Hoke Smith, asked the President of the National Academy of Sciences, Wolcott Gibbs, to appoint a committee of experts to examine forest reserves, study the issues, and make recommendations to the President. The last man to be appointed and the only one not a member of the National Academy of Sciences was Gifford Pinchot who wrote most of the Commission’s final report.

The Commission’s report was published in May of 1897 and included several recommendations that, if adopted, would lead to more effective management and protection the forest reserves. A draft of the final report presented by a Commission member, Charles S. Sargent, a botanist and the first director of Harvard University’s Arnold Arboretum, to President Gibbs on January 29, 1897, included a recommendation that the President create thirteen new Forest Reserves in the West. Gifford Pinchot remembers that he had been the Commission member who had written this particular recommendation concerning the thirteen new reserves:

“Gibbs sent it [the Commission’s preliminary report] to Secretary [of the Interior, David R.] Francis [Hoke Smith’s successor], who promptly approved the Commission’s recommendation and transmitted it to the President with the suggestion that “the birth of the Father of our Country could be no more appropriately commemorated than by the promulgation by yourself of proclamations establishing these grand forest reserves.” So, on Washington’s Birthday, February 22, 1897, Cleveland, who was going out of office in ten days, did the only thing the Commission had made it possible for him to do, and created the 21,279,840 acres of additional Forest Reserves we had recommended.”<sup>3</sup>

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<sup>1</sup> Gifford Pinchot. *Breaking New Ground*. Commemorative ed. Washington, D.C.: Island Press, 1998. p. 79-84.

<sup>2</sup> Ronald F. Lockman. *Guarding the Forests of Southern California: Evolving Attitudes Toward Conservation of Watershed, Woodlands, and Wilderness*. Glendale, Calif.: The Arthur H. Clark Company, 1981. (Western Lands and Waters; XII), p. 70.

<sup>3</sup> Op. cit. Pinchot. P.107.

These were the Washington Birthday Reserves that pleased conservationists but were quite unpopular in the western states. In the future Northern Region alone, some 9.1 million acres of forestland in Montana and Idaho, were set aside in four new reserves, namely, the Bitter Root, Flathead, Lewis & Clarke, and Priest River Forest Reserves. These new Forest Reserves angered so many in the west, their establishment by the President prompted Congress to enact in the same year, the landmark “Organic Act” for federal forestry in an appropriations bill on June 4, 1897 (30 Stat. 11).

The federal forestry’s “Organic Act of 1897” suspended all presidential proclamations creating the Washington Birthday Reserves, except for two in California (San Jacinto and Stanislaus), until March 1, 1898, placing them back into the public domain and available for disposal for about 10 months. The law is called the Organic Act because, for the first time, Congress clearly stated the purposes that the Forest Reserves would serve: “No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of waterflows...” (30 Stat. 35). The law also provided the structure for the proper care and management of the reserves, authorized the U.S. Geological Survey to map and inventory the reserves, and placed the reserves formally under the General Land Office, Department of the Interior. The Washington Birthday Reserves proclaimed for the forests of Wyoming, Utah, Montana, Washington, Idaho, and South Dakota officially became Forest Reserves once again on March 1, 1898. At that point in time, there had been 29 forest reserves formally established by Presidential proclamation encompassing 39,207,840 acres of the western United States.

Since 1876 the Department of Agriculture had been involved with forestry. In that year, Congress created the office of Special Agent in the Agriculture Department (19 Stat. 167) and hired Franklin B. Hough at a salary of \$2,000.00 per year to be the first federal forestry expert. Hough was charged with assessing the quality and conditions of domestic forests, investigating the preservation and restoration of timberlands, gathering statistics on the consumption of wood products in the United States, and reporting to Congress the results of his studies. In view of continuing forest investigations and the increasing appropriations towards their support, the Commissioner of Agriculture formed the Division of Forestry in 1881.<sup>4</sup> On July 1, 1898, Gifford Pinchot was named by Secretary of Agriculture Wilson to succeed Bernhard E. Fernow, Hough’s successor, as chief of the Division of Forestry and moved the Division into a more active role in all phases of American forestry and forest practices, principally by recruiting effective forest rangers, applying practical forestry in the woods themselves, and supporting the advancement of forestry as a profession. Congress renamed Pinchot’s Division of Forestry as the Bureau of Forestry in 1901 (31 Stat. 929).

Upon assuming the position of chief of the Division of Forestry in 1898, Pinchot began his long and difficult campaign to concentrate all administrative responsibilities over federal forestry within the Department of Agriculture, but early on he established and maintained an efficient working relationship with the Department of the Interior’s General Land Office. “By 1901 the Agriculture and Interior secretaries had worked out a formal agreement on the reserves. Interior would continue to patrol the reserves and enforce laws and also provide the routine office work. The Foresters in Agriculture were responsible for examining the reserves, making all technical decisions and administering whatever plans they developed....Pinchot would report on the reserves directly to the secretary of the Interior.”<sup>5</sup> Pinchot firmly believed that the forest reserves would be best and more professionally administered and protected if transferred to the Agriculture Department because his staff was much more familiar with the problems and conditions on the reserves than the General Land Office. Furthermore, the sustainable production of timber, like the production of field crops, is much more within the scope of Agriculture. With the support of Secretary Wilson and President Theodore Roosevelt, Pinchot succeeded on February 1, 1905 when Congress transferred authority over the Forest Reserves from the Department of the Interior to the Department of Agriculture (33 Stat. 628) and later that year, the Bureau of Forestry became the United States Forest Service (33 Stat. 872-873). Pinchot was named the Forest Service’s first Chief.

Chief Pinchot’s first task was to place each national forest “under administration,” a figure of speech used at the time, which meant hiring the supervisors, rangers, examiners, guards and all other support staff, in short, to establish a physical as well as administrative presence on each forest. By doing so, it put the federal government, the owner of the forest, in charge and not the user. This was a difficult undertaking. Not only did Pinchot have to recruit the best professional foresters and local woodsmen then available to work in the national forests, the staff he hired also needed to build trust with local people and businesses and convince them that conservation ideals benefitted them today and their children tomorrow. By the close of the fiscal year in June of 1909, Pinchot was able to report that, “All of the National Forests except the Choctawhatchee and Ocala in Florida; the Marquette and Michigan in Michigan; and the Luquillo, in Porto Rico, were

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<sup>4</sup> The Department of Agriculture, established in May 15, 1862, did not attain Cabinet status until February 9, 1889, thus, until 1889, its department head was officially called “Commissioner” and not Secretary.

<sup>5</sup> Harold K. Steen, *The U.S. Forest Service: A History*, Centennial ed., (Durham, NC: The Forest History Society, 2004, p. 56-57.

under administration at the close of the year – a total of 193,600,061 acres.”<sup>6</sup> His successor, Henry S. Graves reported the next year that all the national forests, except the Luquillo, were under administration and only 18 per cent of Forest Service staff of 3,091 were engaged in administrative or clerical work in places other than the on the ground in the national forests themselves.<sup>7</sup>

The land base of the Forest Reserves, after 1907, the National Forests, had up until then been located in the public land states of the West. That changed in 1911 when Congress passed the Weeks Law (36 Stat. 961) which established a National Forest Reservation Commission to advise the Secretary of Agriculture in the acquisition, by purchase, of forested or cut-over areas in the eastern United States for forest conservation in order to protect the water supplies of navigable streams. Many of these Purchase Units would later be designated national forests. Exchange laws, federal legislation, and other actions through the years would both add and eliminate National Forest lands. From a high point of 172,230,000 acres of National Forest land attained in 1909, the land base steadily decreased to 153,933,460 acres in 1919 as lands unsuited to forestry were eliminated or deeded to the various states in compensation for state school lands within the national forests. The area administered by the Forest Service rose just as steadily from that low point in 1919, when in 1938, the National Forests surpassed the previous high point of 1909 with 172,451,394 acres.<sup>8</sup> Depression era policies and programs to purchase and to resettle rural inhabitants from unproductive or barren lands, such as the Bankhead-Jones Farm Tenant Act of July 22, 1937 and the activities of the Resettlement Administration also led to increases in the land base of the National Forest System and later formed the basis for the system of national grasslands as well as new national forests and additions to existing forests.

Congress provided the legal definition of the National Forest System in the “Forest and Rangeland Renewable Resources Planning Act of 1974” PL 93-378 (88 Stat. 476, 480), 16 U.S.C 1609:

“Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section [Section 10] to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest land acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under Title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525, 7 U.S.C.1010-1012), and other lands, waters, and interests therein, which are administered by the Forest Service or are designated for administration through the Forest Service as part of the system.”

It is the intention of this work to include all such areas described by the congressionally defined National Forest System in the administrative history as well as in the cartobibliography of this work. As of September 30, 2018, the National Forest System consisted of 154 proclaimed National Forests, 20 National Grasslands, 58 Purchase Units; seven Land Utilization Projects, 17 Research Areas, the Midewin Tallgrass Prairie in Illinois, and other special areas totaling 192,948,059 federally owned acres. As the following pages will attest, from the “Creative Act” of 1891 to the most recent designation of new Wilderness Areas, the National Forest System has always been a dynamic procession of change, ultimately adapting to the needs of the American people, but always bearing the touchstone of Secretary Wilson’s words to Gifford Pinchot in 1905, “...the greatest good of the greatest number in the long run.”<sup>9</sup> A discussion of the field administration of the Forest Service and how it developed over the years is the first task.

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<sup>6</sup> U.S. Forest Service, *Report of the Forester for 1909*. (Washington: Government Printing Office, 1909), p. 12. This number embraced all land within the boundaries of the national forests, including private lands.

<sup>7</sup> U.S. Forest Service, *Report of the Forester for 1910*. (Washington: Government Printing Office, 1910), p. 13.

<sup>8</sup> U.S. Forest Service. *Land Areas of the National Forest System as of September 30, 2011*. (Washington, D.C.: The Service, 2012), Table 21, p. 243. Remembering of course that acreage figures represent the areas enclosed by National Forest boundaries including non-federal lands within those boundaries.

<sup>9</sup> Quoted from Gifford Pinchot, *Breaking New Ground*, (Washington, D.C.: Island Press, 1998) p. 261. The words were included in Secretary Wilson’s letter of instruction to Pinchot upon his being named as the first chief of the Forest Service after the “Transfer Act.”

## II. The Development of the Regional Structure of the U.S. Forest Service

The manner in which an executive agency marshals its resources to carry out its mandate from Congress is largely determined by the agency itself unless Congress specifically provides procedures for the agency to follow. In the case of the United States Forest Service, under the leadership of its first chief, Gifford Pinchot, the new bureau created its own administrative structure.<sup>10</sup> Pinchot produced several organizational charts for the Forest Service over his five-year tenure, drawing and redrawing reporting lines and creating new offices and branches that he believed would make the new agency meet its objectives as well as its future challenges more efficiently and effectively. Also through an internal process, Pinchot organized the forest reserves geographically into administrative districts. In contrast to the establishment of forest reserves and the modification of their boundaries, where it was required by law that a legal instrument, such as the proclamation, executive order, or act of Congress, be used to create forest reserves and to make boundary changes, the Forest Service was not required to use such legal instruments to organize itself nor those forests it manages. Thus, the division of the nation into geographic districts, later called regions, to manage the national forests was accomplished by the agency itself. As a result, there is no single legal record documenting the successive changes in the field organization of the Forest Service. This information is scattered in maps, annual reports, and other documents and secondary sources.

After the March 3, 1891 law passed Congress authorizing the president to reserve public land as forest reserves, (26 Stat. 1095), the General Land Office, the federal agency that had responsibility for the public lands since 1812, was put in charge of the new Forest Reserves. A Division "P" called the "Timber Depredations Division" had been in existence within the General Land Office since at least 1880. Renamed in 1884 as the "Special Services Division," Division P protected the public lands from unlawful entry or appropriation and from timber and other trespasses. It also supervised a work force of special agents employed for that purpose and the Division investigated violations and prepared cases for the Justice Department to prosecute. This Division was the obvious place from which to administer the forest reserves, which were organized into Districts with a forest superintendent in charge of each district. Below the District Superintendent were the District Supervisors, the number depending upon the number of reserves and the difficulties of supervision. Responsible for patrol and the prevention of fire and trespassing was the part of the forest rangers, in charge of Ranger Subdivisions. In 1897 under the protection provisions of the 1897 Organic Act for federal forestry (30 Stat. 35) the Commissioner of the General Land Office reorganized Division P into a Division of Forestry. It became Division R on February 28, 1901 and by 1903, the Division employed 326 Forest Rangers, along with Forest Supervisors, and Forest Superintendents. These employees managed and protected the forest reserves and watersheds and supervised timber sales. In 1898 there were eleven forest "Districts" arranged largely by state, but the next year the number was reduced to ten.

The Forest Reserve Act of 1891, while allowing the President to reserve portions of forested public domain, did not address the issue of what purpose these forest reserves would serve and how the reserves would be managed. During the time when the General Land Office administered the early Forest Reserves, President Cleveland's Secretary of the Interior, Hoke Smith, asked the National Academy of Sciences to appoint a committee of experts to examine forest issues and policies of the federal government and to make recommendations. In one of the many recommendations issued by the National Academy of Sciences Commission in its final report of May 1, 1897, under the heading "Proposed System of Forest Administration" the Committee suggested that four inspectors of forests be appointed to manage four forest departments with permanent stations located at points most convenient to the administration of their departments under a Director of Forests and the Assistant Director. These four departments would be arranged in this fashion:

"First department: To include the forest reserves comprised in California and Nevada. At present there are six such reserves, aggregating 6,867,200 acres.

"Second department: To include the forest reserves comprised in Oregon and Washington west of the 120<sup>th</sup> meridian. At present there are six such reserves, aggregating 12,671,360 acres.

"Third department: To include the forest reserves comprised in Arizona, New Mexico, Colorado, and Utah. At present there are eight such reserves, aggregating 6,141,440 acres.

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<sup>10</sup> Pinchot acted under the authority to "exercise or cause to be executed all laws" granted to it under Public Law 58-34 (33 Stat. 628) that transferred the responsibility of the forest reserves to the Department of Agriculture, in organizing the Forest Service. For current field organization of the Forest Service, see also *Code of Federal Regulations*, Title 36, part 200.2 "Field Organization" required by Public Law 90-23 (81 Stat. 54) of June 5, 1967.

“Fourth department: To include the forest reserves comprised in Wyoming, South Dakota, Montana and Idaho, and Oregon and Washington east of the 120<sup>th</sup> meridian. At present there are eight such reserves, containing 9,117,440 acres.<sup>11</sup>

Gifford Pinchot was a member of the National Academy of Sciences commission on forest reserves and one can see in the pages of its final report his emerging talent for organization in its recommended system of administration for the forest reserves. Many of the Commissioners recommendations were adopted, but not the suggested administrative organization based on four departments.

Gifford Pinchot became the first Forester in charge of the United States Forest Service when the forest reserves were transferred from the Department of the Interior to the Department of Agriculture in 1905. In response to the many new forest reserves being established in the first years of the twentieth century and to advance the Forester's goal of decentralizing decision making within the new bureau, in 1905 Gifford Pinchot, along with the Chief Geographer of the U.S. Geological Survey, Henry Gannett and the Forest Service's Frederick E. Olmstead and Coert DuBois, organized the western forest reserves into new administrative districts, called “inspection” districts. We learn from Elers Koch, one of Pinchot's “Forest Arrangers” that in 1905, “the western forests were divided into three administrative districts: the northern Rockies, the southern Rockies, and the Pacific coast. A sort of chief of operations was responsible for each, handling personnel, allotments, and improvements. I [Koch] had the northern district, Smith Riley the southern, and Coert DuBois the Pacific Coast. These positions were rotated as inspectors came in from the field.”<sup>12</sup> Confirming Koch's statement, the organizational chart of July 1, 1906 edition of *The Use Book*<sup>13</sup> shows that the Forest Service had established three Inspection Districts each headed by a Chief Inspector. These were District 1 embracing the forest reserves in the states of Idaho, Montana, Wyoming, South Dakota, and Minnesota, District 2 for the forests of Utah, Colorado, New Mexico, Arizona, Nevada, Nebraska, and Oklahoma, and District 3 for Washington, Oregon, California and Alaska. Pinchot placed these three Inspection Districts under the Forest Service's Cooperation Division of Forest Management.<sup>14</sup> In May of 1907, with the continual growth in the number and size of the forest reserves, (after March 4, 1907 renamed the national forests), the number of inspection districts were increased to six, all now under the bureau's Office of Organization, Branch of Operations.

Inspection District One: Montana, Idaho north of the Salmon River, Northeast Washington State (Kaniksu National Forest), Northern Wyoming (Shoshone and Bighorn National Forests), and Northwestern South Dakota and Southwestern North Dakota (Sioux National Forest).

Inspection District Two: Colorado, Kansas, Southwestern Utah (LaSalle National Forest), Nebraska, Eastern Wyoming, South Dakota (Black Hills National Forest), Minnesota (Minnesota National Forest) and North Dakota (no National Forests).

Inspection District Three: Arizona south of the Colorado River, New Mexico, Oklahoma, Arkansas, Puerto Rico.

Inspection District Four: Utah, Idaho south of the Salmon River, Nevada, western Wyoming.

Inspection District Five: California and national forest land in the Sierra Nevada Mountains in Nevada.

Inspection District Six: Oregon, Washington, and Alaska.

“The beneficial effect of the district organization has been extraordinary. Those in charge of the various lines of work of the Service are brought into much closer contact with the National Forest officers and their work, business is greatly expedited and a higher standard of business efficiency set, a decided stimulus has been given to technical work, and differences with Forest users are more quickly and satisfactorily adjusted. Along with better oversight of the work of the supervisors the new system has brought not a greater centralization of responsibility for the handling of local business, but, on the contrary, an increase in the responsibility laid on local officers. In short, the supervisor is in closer touch with his superior officers and yet freer to do high-grade work in planning and bringing to pass the best use of the Forest of which he has charge than has been the case before. This is believed to be the ideal administrative method for the Service since it avoids the evils of bureaucratic control on the one hand and irresponsible decentralized

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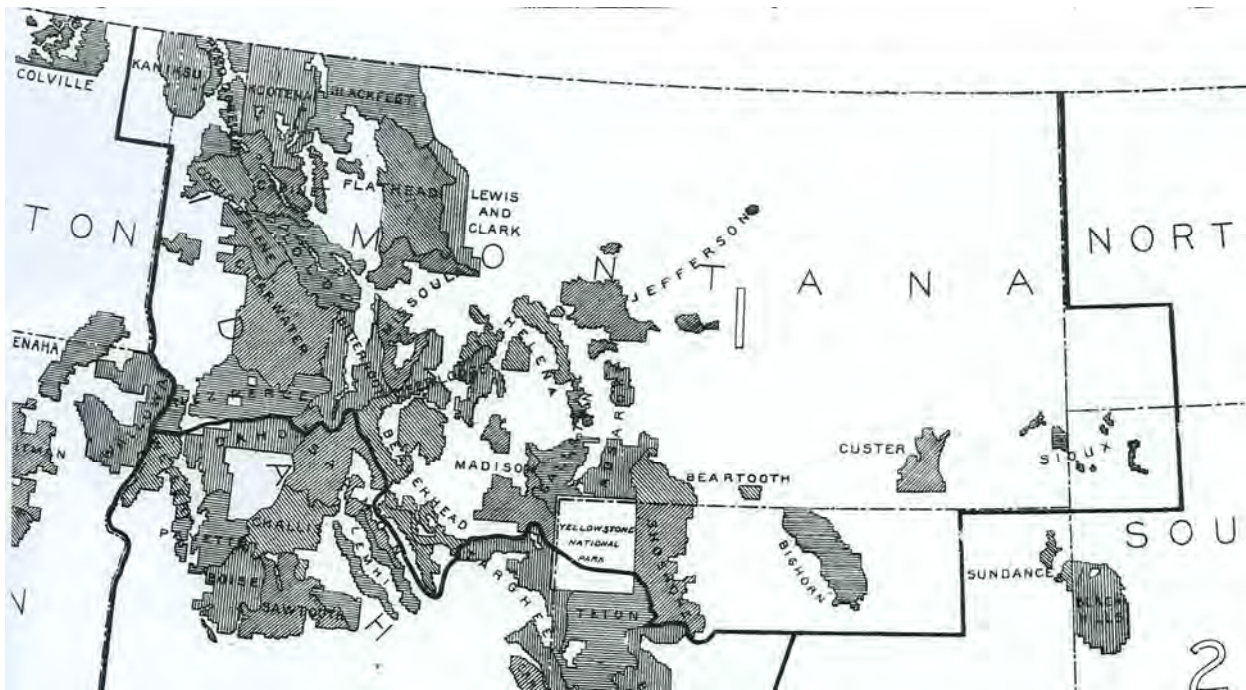
<sup>11</sup> National Academy of Sciences, *Report of the Committee Appointed by the National Academy of Sciences upon the Inauguration of a Forest Policy for the Forested Lands of the United States...*, (Washington, Government Printing Office, 1897), p. 23-24.

<sup>12</sup> Elers Koch, *Forty Years a Forester, 1903-1943*, (Missoula, Montana: Mountain Press Publishing Co., 1998), 57.

<sup>13</sup> U.S. Dept. of Agriculture, Forest Service, *The Use Book: Regulations and Instructions for the Use of the National Forest Reserves*, (Washington: Government Printing Office, 1906), p. 143.

<sup>14</sup> Gifford Pinchot, *The Forest Service: What it is and How it Deals with Forest Problems*, 2<sup>nd</sup> ed., (Washington: Government Printing Office, 1906), p. 10.

administration on the other. A marked gain in the approval by western public sentiment of National Forest work has evidenced the success of the new plan.”<sup>15</sup>



**Illustration 1:** Original boundaries and national forests of District 1 as of July 1, 1908

According to the *Report of the Forester for 1907*<sup>16</sup> issued January 30, 1908, District 1 included the forest reserves in the state of Montana, as well as those in northern Idaho, northeastern Washington (Kaniksu National Forest), and northwestern Wyoming (Bighorn & Shoshone National Forests). The next year, in his Report for 1908, the Forester noted that the boundary between District 1 and District 2 had been modified “to include in the former (District 1) the Cave Hills, Long Pine, Short Pine, Slim Buttes, and Ekalaka National Forests.”<sup>17</sup> These forests were soon merged into one, the Sioux National Forest bringing northwestern South Dakota into District 1 as indicated in Illustration 1.

Not mentioned in the annual report for 1908 was the transfer of the Idaho County portion of the Weiser National Forest from District 4 to District 1 creating a straight line separating these two National Forests and later two districts as shown in Illustration 1. This part of the Weiser was combined with a part of the Bitter Root National Forest to establish the Nezperce National Forest in 1908. The transfer changed not only the boundary between the Nezperce and Weiser National Forests but also the boundary between District 1 and District 4. Until its break-up on July 1, 1908, the massive 8.3 million-acre Yellowstone National Forest was administered as part of District 1, and immediately afterwards, its component parts were administered by District 1 and District 4, as Illustration 1 above shows. If this large national forest existed today, it would fall within three Forest Service regions, the Northern, Rocky Mountain, and Intermountain Regions. The administrative history of this great forest along with its mapping is included in the Regional chapters for Regions 1, 2 and 4.

District 1 was expanded in January of 1909 to include all of North Dakota, and, in March 1909, it acquired the responsibility to manage the national forests of Minnesota from District 2 and assigned the responsibility for the new national forests in Michigan. The national forests in the northwestern part of Wyoming that had been administered by District 1 were transferred to District 2, the future Rocky Mountain District in June of 1909.<sup>18</sup> This meant that the Shoshone and the Big Horn National Forests would now be administered from Denver and not from Missoula, the headquarters of District 1. On the western boundary of District 1, the Beaverhead National Forest as originally proclaimed, spilled over into Idaho from

<sup>15</sup> Gifford Pinchot, *Report of the Forester for 1909*, (Washington: Government Printing Office, 1909), p. 14. Pinchot later would write that “The good organization of the Forest Service...was due far more to Overton Price than it was to me.”

Gifford Pinchot, *Breaking New Ground*, (Washington, DC: Island Press, 1998), p. 386. Price was the Associate Forester.

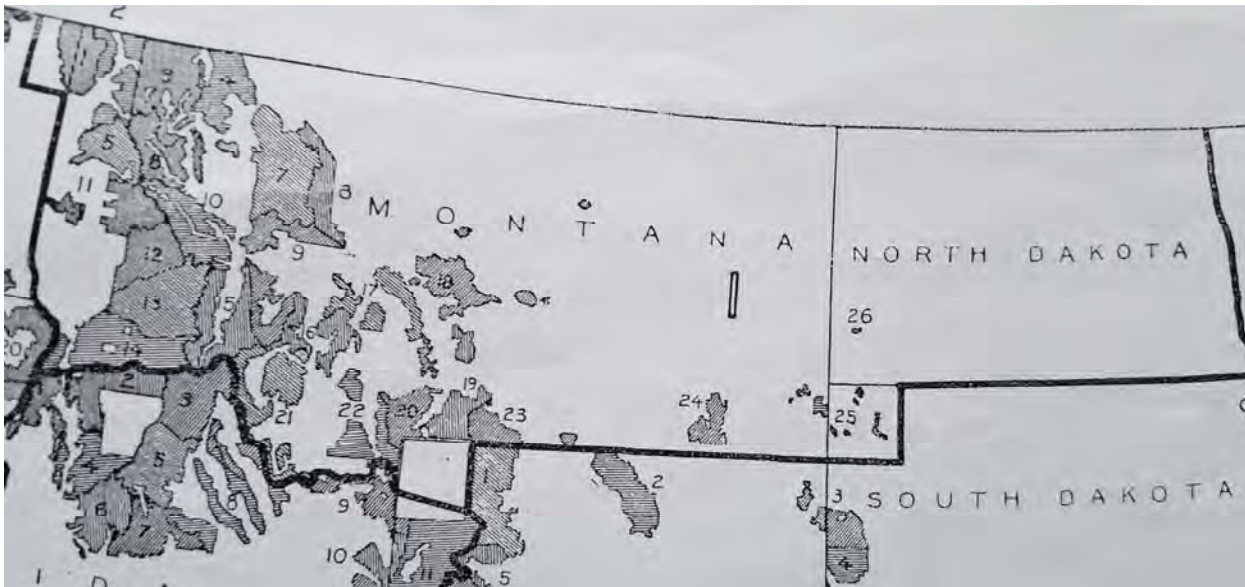
<sup>16</sup> Gifford Pinchot, *Report of the Forester for 1907*, (Washington: Government Printing Office, 1908), p. 10.

<sup>17</sup> Gifford Pinchot, *Report of the Forester for 1908*, (Washington: Government Printing Office, 1908), p. 14.

<sup>18</sup> *Ibid*, p. 14.



Montana across the Continental Divide. Those portions of the Beaverhead on the western slope were transferred to the Lemhi and Targhee National Forests in District 4 via three Presidential Proclamations, all with an effective date of July 1, 1910. The boundary was fixed between District 1 and 4 along the Continental Divide in southwestern Montana and the southern boundary (Salmon River) of the Nezperce National Forest in Idaho. The national forests of Michigan and Minnesota were transferred from District 1 back to District 2 early in 1913.



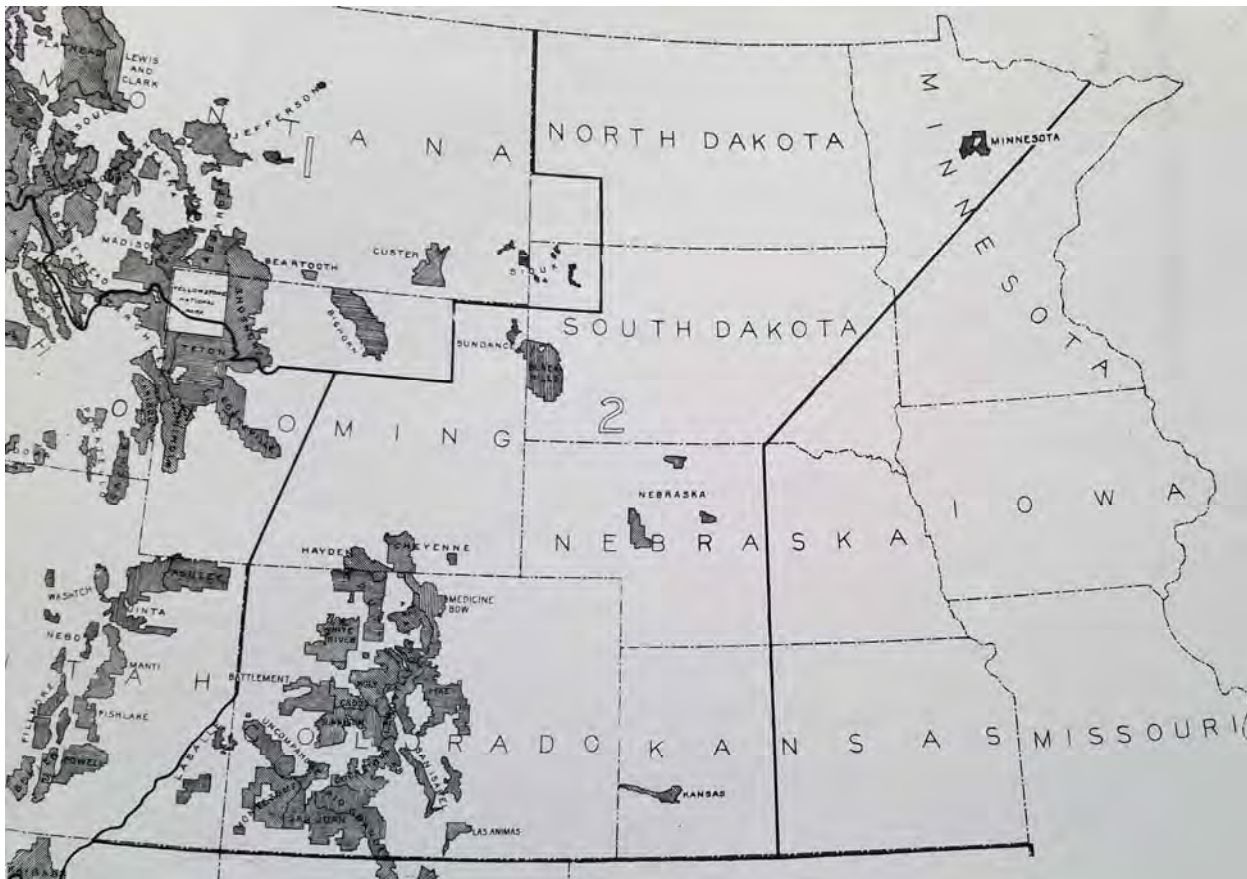
**Illustration 2:** District 1 on September 1, 1915 showing all of North Dakota in the District after the establishment of the Dakota National Forest in November of 1908 (marked as “26” on the map), the boundary between Montana and Idaho set on the Continental Divide and, as in 1908, in Idaho along the Salmon River. Shoshone and Bighorn National Forests in Wyoming (marked as “1” and “2” on the map) now are shown as a part of District 2.

The 1908 boundaries of District 2 (see Illustration 3, below) would be extended to include the national forests in Michigan until the Lakes States District (District 9) was created in 1928. Even though there were no national forests in Wisconsin at the time, the state was added for boundary line integrity. The Colorado River served as the boundary between District 2 and District 4 in southwestern Colorado/Southeastern Utah according to the 1908 map. Since the LaSalle National Forest (later corrected to La Sal) in southeastern Utah on the border with Colorado might not have been fully “under administration” at this time, and its placement in District 2, east of the Colorado River might have been a mere cartographic conceit or convenience absent a real decision being made on its placement. Changes made between 1908 and 1914 moved the boundary between District 2 and District 4 in Wyoming along the Continental Divide.

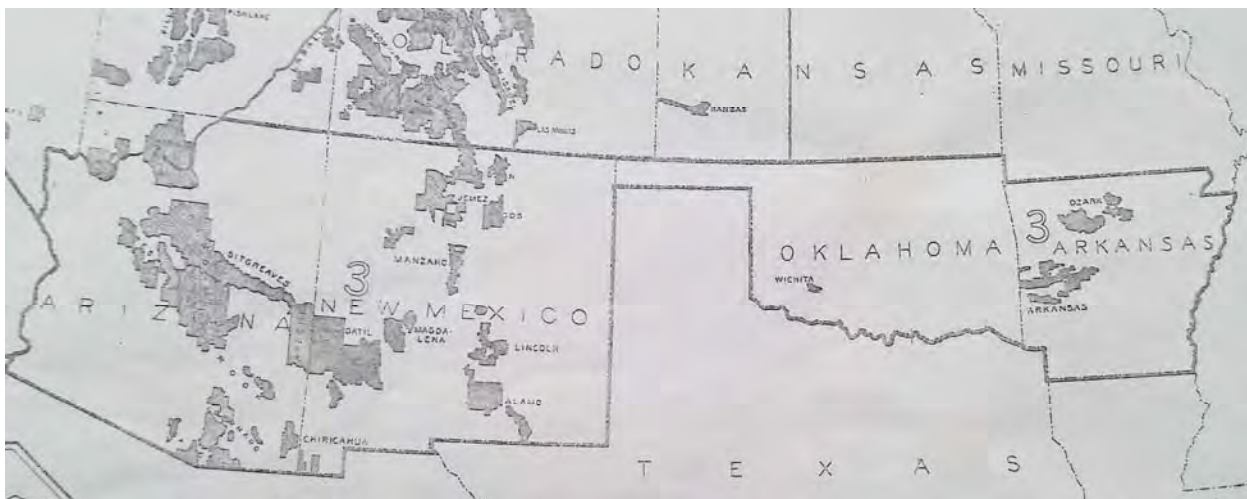
There were no Inspection Districts specifically established for the eastern portion of the United States until 1914. District 3, headquartered in Albuquerque, New Mexico, initially administered the national forests of Arizona, New Mexico, Oklahoma, and Arkansas (see Illustration 4). With the Choctawhatchee and Ocala National Forests created from the public lands on November of 1908,<sup>19</sup> District 3 was enlarged and extended to include the state of Florida, and along the way, Mississippi and Alabama too, although those two states did not have national forests at the time. Between 1908 and 1914, District 3 was the largest district in geographic extent, stretching from the California-Arizona border to the Atlantic Ocean. Also included in District 3 was the Luquillo National Forest in Puerto Rico.

Until 1934 that the area north of the Colorado River in Arizona embracing the Kaibab and ancestral areas of the Dixie National Forests was administered from District 4 headquartered in Ogden, Utah (Illustration 4). The administration for the Kaibab National Forest and for all of Arizona north of the Colorado River, the “Arizona Strip,” transferred to the Southwestern Region upon a general reorganization of the national forests in the Grand Canyon region in 1934, a reorganization that also changed the Regional boundaries (see Illustration 10).

<sup>19</sup> These two forests merged in 1911 to create the Florida National Forest.

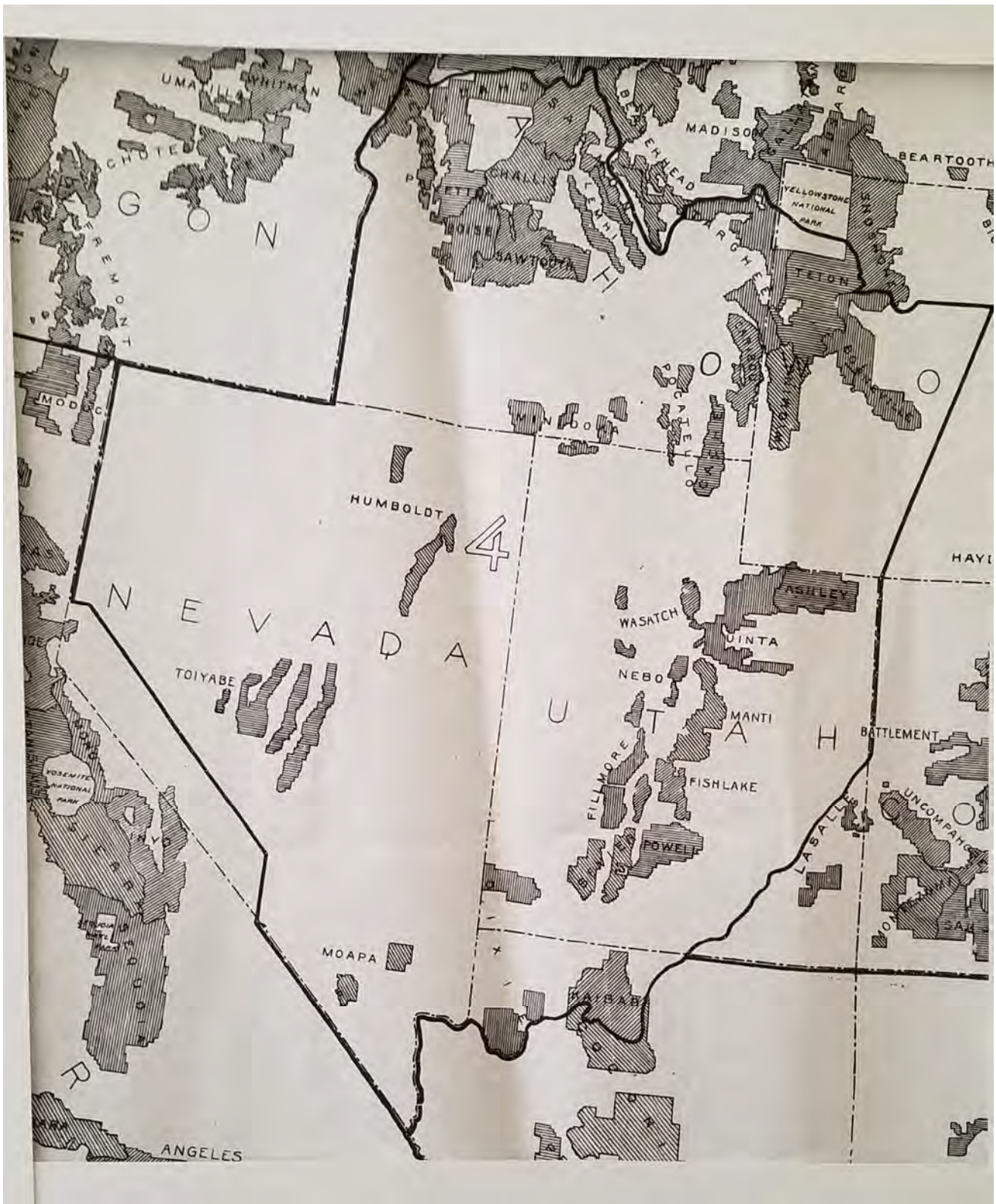


**Illustration 3:** Inspection District 2 boundaries July 1, 1908.



**Illustration 4:** District 3 as of July 1, 1908, extending from the Arizona-California border to the Mississippi River.





**Illustration 5:** District 4 on July 1, 1908. The boundary in southeastern Utah would be placed on the Utah-Colorado state line with all of the La Sal National Forest remaining in District 4 next year. The boundary between District 4 and District 2 in Wyoming and between District 4 and District 1 in Idaho south of the Salmon River would be placed along the Continental Divide. The boundary between District 4 and District 3 was changed to run along the Utah-Arizona border in 1934 and the reorganization of national forest land on the eastern slope of the Sierra Nevada in 1945 would result in the regional boundary of District 4 and District 5 being pushed westward into California.

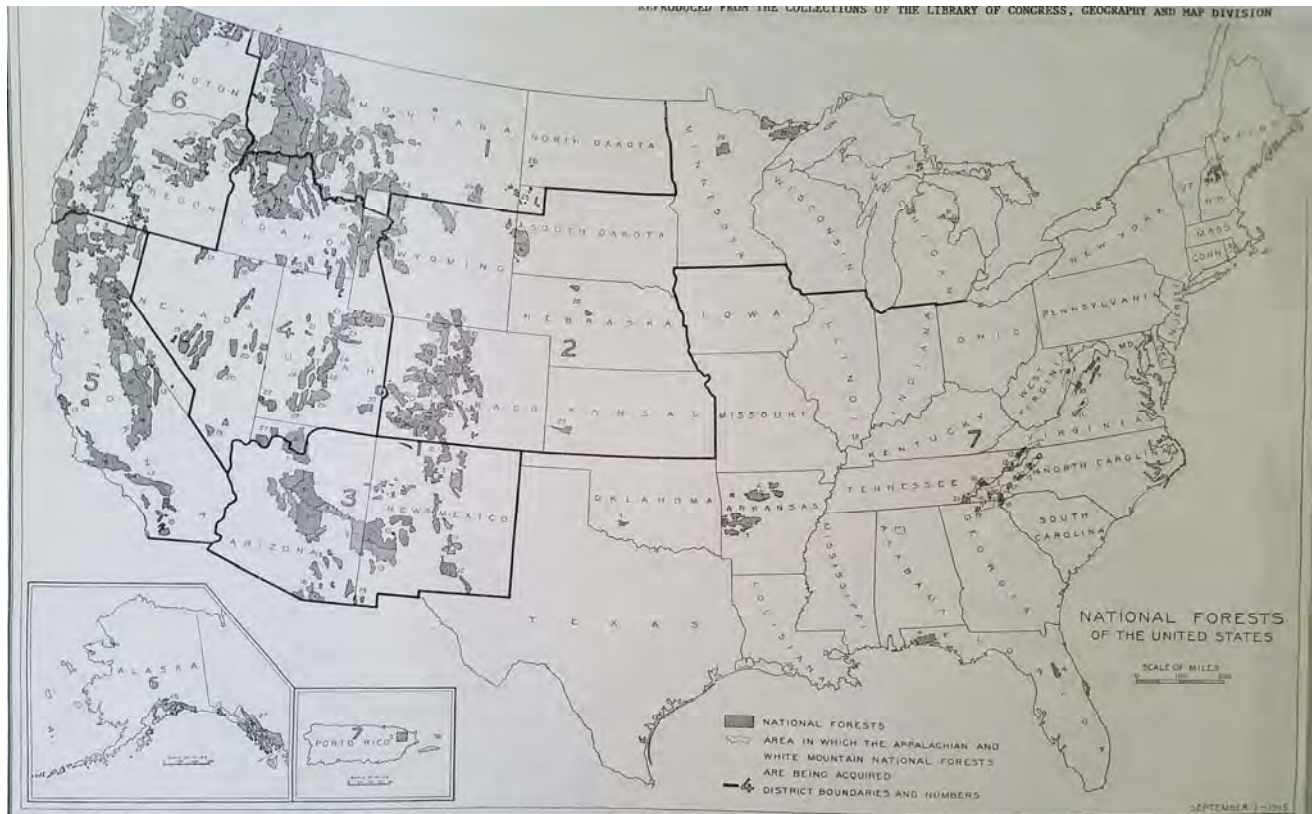












**Illustration 8:** National Forest District boundaries as of September 1, 1915. The map shows the new District 7 embracing the eastern United States and Puerto Rico with its many purchase units as well as formally proclaimed national forests in the public lands states of Florida, Arkansas, and Oklahoma, a reduced District 3 concentrated in Arizona and New Mexico, and Alaska at this time still being a part of District 6.

As a result of the Weeks Law of 1911 that authorized the creation of purchase units in watersheds of navigable streams, the National Forest Reservation Commission established several new purchase units in the Appalachian Mountains and in the White Mountains of New England. To manage these purchase areas and the national forests of the eastern United States created from the public domain, a new District 7, separate from the Forest Service's general administrative headquarters, was established in Washington, D.C. and made effective July 1, 1914. District 7 included the eastern United States, as well as Texas, Oklahoma, and Puerto Rico but did not include the national forests in Michigan, and Minnesota, which remained part of District 2. As to the new District 7, Forester Henry S. Graves wrote, that:

“Previously the nearest district office to Washington was that at Denver. While the great bulk of the National Forests lie in the far Western States, the need for administering as Forests the lands purchased in the southern Appalachian and White Mountains called for the creation of a new district in the East. By adding the 15 so-called “Purchase Areas” in the New England and Southeastern States, the two Forests in Arkansas, the Florida Forest, and the Wichita Forest and game preserve in Oklahoma, formerly administered as part of District 3 from Albuquerque, N. Mex., a suitable new unit was formed. A large purchase of land in North Carolina during the year added a sixteenth Purchase Area, the Boone, which is now under administration as part of District 7.”<sup>20</sup>

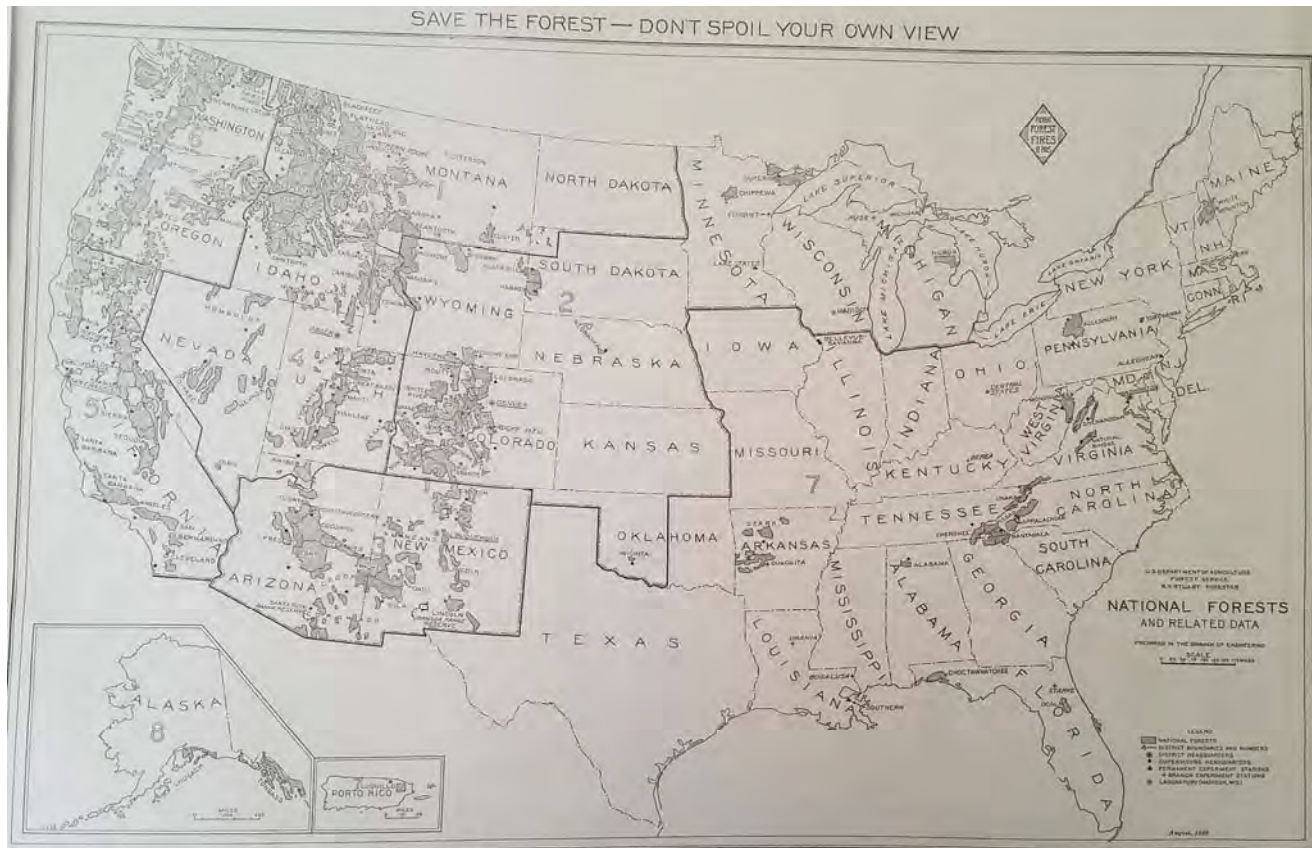
Geographic designations for the districts of the Forest Service, such as “Northern District” first appeared in the U.S. Forest Service publication, *National Forest Areas*, June 30, 1919, at that time, a semi-annual publication. The numerical designations for all the districts were kept and used in addition to the new geographic names. In 1919, the seven districts of the Forest Service were: No. 1, Northern District; No. 2, Rocky Mountain District; No. 3, Southwest District; No. 4, Intermountain District; No. 5, California District; No. 6, North Pacific District; No. 7, Eastern District. It took a few years

<sup>20</sup> Robert S. Graves, *Report of the Forester (From Annual Reports of the Department of Agriculture, 1915)*, (Washington: Government Printing Office, 1915), p. 1-2. The Boone Purchase Area was proclaimed the Boone National Forest in 1920; in 1921 it was absorbed by the Pisgah National Forest and its name discontinued.

before the geographic designations of each district appeared on maps. On May 1, 1930, the Secretary of Agriculture approved a change in the official designation of the nine districts replacing “District” with the word “Region” to describe its administrative areas in order to avoid confusion with the Forest Service’s ranger districts.

After District 7 was established in 1914 for the eastern forests, the next major change to occur was the separation of Alaska from the North Pacific District. The new district was given the designation of District 8 and was naturally called the Alaska District. Forester Greeley wrote of the new district, which also affirmed the decentralized structure of the Forest Service, in his annual report for fiscal year 1921 that:

“The primary needs of Alaska are transportation, particularly adequate marine transportation, and a decentralized administration of public resources and affairs in the Territory itself. The evils of red tape and delay are inevitable if administrative jurisdiction is retained in Washington over matters which should be dispatched by resident officials in Alaska. The National Forests of Alaska have always been administered in all respects [in this way], except the more important transactions and questions of policy, by supervisors and rangers in the Territory. In recognition of the need for the fullest decentralization, however, a separate National Forest district covering the Territory, was created on January 1, 1921, under the direction of a resident district forester. Ninety-five per cent of the business on these National Forests does not pass beyond Alaska, with the exception of matters involving land titles where existing law requires reference to Washington.”<sup>21</sup>



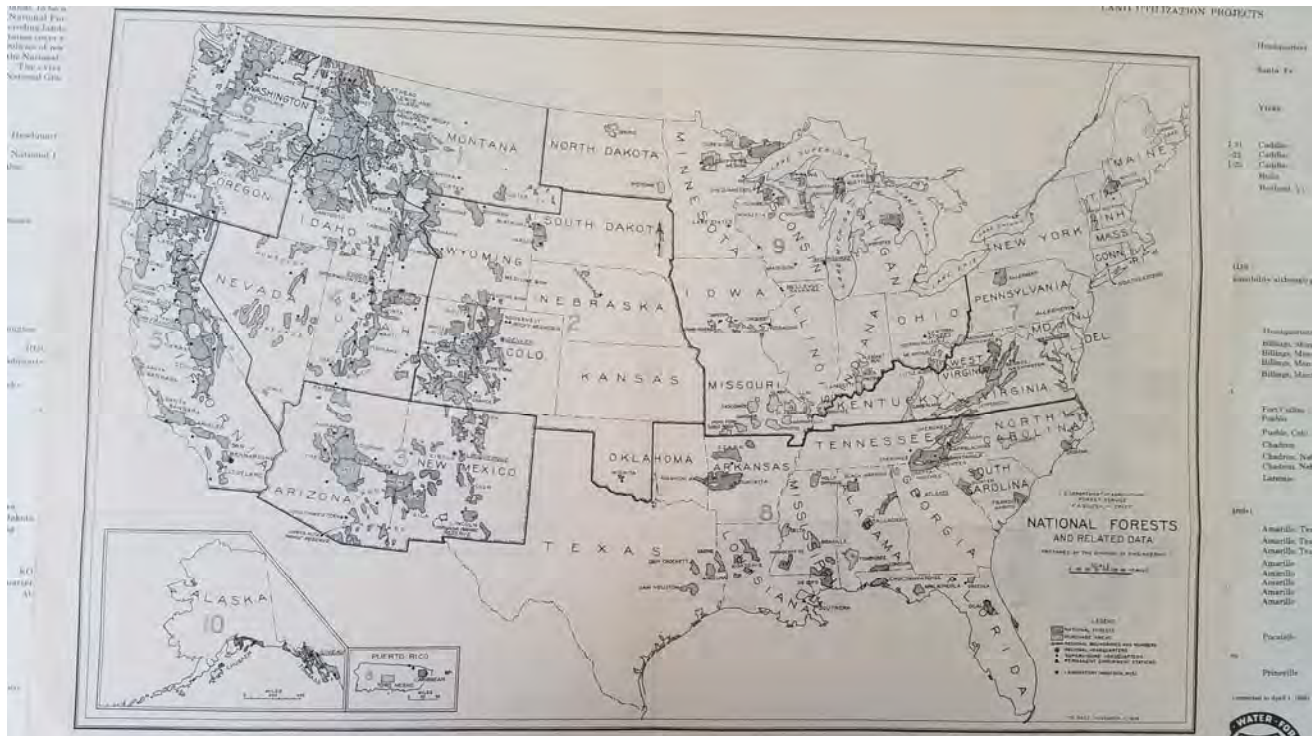
**Illustration 9:** U.S. Forest Service District organization as of August, 1928. Note many new national forests in District 7 and the number 8 attached to the Alaska District. Wichita National Forest is now shown as being administered from the Rocky Mountain District (District 2). Originally part of District 3 (1908-1914), then added to the new District 7 in 1914, and finally, administered by the Rocky Mountain District from 1926 to 1936 when it was discontinued.

A District 9, the Lake States District, was established by the Secretary of Agriculture on December 22, 1928 (effective January 1, 1929), with District Headquarters located first in Madison, Wisconsin, in office space in the Forest Service’s Forest Products Laboratory. District Headquarters were soon thereafter relocated to Milwaukee. The new Lake States

<sup>21</sup> William B. Greeley, *Report of the Forester, 1921*, (Washington: Government Printing Office, 1921), p. 4-5.



District was created in response to the congressionally authorized land purchase and road building project for the cut-over areas of the Great Lakes, especially in the states of Wisconsin and Michigan, and it was felt that the administration of these projects had to be exercised closer to the forests themselves. This was the McNary-Woodruff Act of 1928 that authorized forest land purchases throughout three fiscal years, 1929-1931. With the formation of the Lakes States District, the Rocky Mountain District would no longer administer or map the forests of Minnesota and Michigan from far away Denver. On September 25, 1930, Forester Robert Y. Stuart defined Region 9, Lakes States Region, as embracing the states of Ohio, Indiana, Illinois, Michigan, Wisconsin, Minnesota, Iowa, and Missouri.<sup>22</sup> Following the formation of Region 9, there was an exponential increase in the number of “Purchase Units” established by the National Forest Reservation Commission in the early 1930s. New units were placed in such states as North Dakota, Iowa, Illinois, Indiana, and Ohio, joining those in Wisconsin, Michigan, and Missouri created by the Commission in the late 1920s. This expansion of purchase activity well beyond the Great Lakes prompted a change in name for District 9 from the Lake States Region to the North Central Region in 1933. Some maps, like the national map shown as Illustration 10, still list Region 9 as being the Lakes States Region.



**Illustration 10:** U.S. Forest Service regional boundaries as of November 5, 1936 showing the new Southern Region (Region 8), the new Region 9, the Lakes States Region (renamed the North Central Region in 1933), and the much diminished Eastern Region (Region 7). North Dakota, no longer part of Region 1, has been moved to Region 9. The Wichita National Forest in Oklahoma administered from Denver since 1926 was abolished just 22 days after this map was printed on November 27, 1936. The Kaibab National Forest is now a part of the Southwestern Region (Region 3) and the Alaska Region has changed its numerical designation from 8 to 10.

The state of North Dakota remained a part of District 1 even after the abolition of the Dakota National Forest in that state in 1917. National maps issued by the Forest Service showing its regional organization continued to place North Dakota within the boundaries of District 1 well into the 1930s, even though there was no national forest land to administer in the state. Respected sources have stated that North Dakota was officially made part of the new Lakes States Region on January 3, 1930, despite the map record and in the absence of national forest land in the state at that time.<sup>23</sup> Indeed, in his annual report for the fiscal year ending June 30, 1930, Forester, Robert Y. Stuart, defined the geographic extent of each Region in his general discussion of the change in name from “District” to “Region.”<sup>24</sup> In the report, issued December 3, 1930, neither

<sup>22</sup> Robert Y. Stuart, *Report of the Forester, 1930*, (Washington: Government Printing Office, 1930), p. 15.

<sup>23</sup> Jay H. Cravens, ed., *The Land We Cared For...A History of the Forest Service's Eastern Region*, (Milwaukee: U.S. Forest Service, 1997), p. 284.

<sup>24</sup> Robert Y. Stuart, *Report of the Forester*, (Washington: Government Printing Office, 1930), p. 14.



Region 1 nor the new Region 9, the Lakes States Region, included North Dakota within their jurisdiction according to the Forester. The state was completely overlooked. One might argue with more certainty that North Dakota was assigned to Region 9 in 1934 based on the map record, principally the national maps issued by the Forest Service, just before the creation of two purchase units in the state in 1935, the Sheyenne and the Souris, by the National Forest Reservation Commission. Maps issued by the Forest Service covering Region 9 and for the United States as a whole show North Dakota as part of the North Central Region, beginning in 1936, but not before.

Like the changes in 1928 and 1933 that were in response to an ambitious land acquisition policy, additional changes occurred in 1934. In that year, the southeastern states of the Eastern Region (Region 7) were detached and a new region in the South with headquarters in Atlanta, Georgia was established. The Southern Region administered national forests and purchase units south of Virginia and Kentucky including the states of Texas and eastern Oklahoma and the territory of Puerto Rico and was given the numerical designation of Region 8; Alaska then became Region 10. With the elimination of the Wichita National Forest in 1936, western Oklahoma, then part of the Rocky Mountain Region, became part of the Southern Region due in large part to land acquisition in eastern Oklahoma adjacent to the Ouachita National Forest.



**Illustration 11:** Regional boundaries as of 1940. Map shows Oklahoma now again part of the Southern Region (Region 8). Also, for point of reference, the map shows the Colville National Forest outside Region One in Region Six in far northeast Washington State, the Siskiyou National Forest in Region 6 covering a part of the state of California, and the boundary between Region 4 and Region 5 well east of the Sierra Nevada Range in Nevada.

In the 1930s, purchases of land by the federal government in northeastern Washington State from economically distressed settlers lying between the Colville and Pend Oreille rivers brought much more forestland to be managed along the boundary between the Pacific Northwest Region (then the North Pacific Region) and the Northern Region. This and other factors led to the 1943 decision to move the boundary between Region 1 and Region 6 to the west to the Ferry-Okanogan county line in Washington. The western portions of the Colville National Forest were added to the Chelan (later Okanogan) National Forest in Region 6 and the remaining, larger part of the Colville National Forest was transferred to the Northern Region for administration. Between 1943 and 1974, Region 1 administered the Colville National Forest in Washington State until another administrative reorganization in the area in 1974 moved the Colville National Forest back into Region 6, by that time, the Pacific Northwest Region. The maps produced for the Colville National Forest by the Northern Region are included in a special section in the Northern (Region 1) Regional Chapter and the entire mapping record for the Colville is presented in the Pacific Northwest chapter. Both will include the entire administrative history.



**Illustration 12:** Regional boundaries in 1948 showing the Colville National Forest now part of Region 1, the Northern Region. The California lands of the Siskiyou National Forest in Region 6 have been added to the newly created Six Rivers National Forest established in June 3, 1947 and made part of Region 5. The Toiyabe National Forest in Region 4, the Intermountain Region, has absorbed most of the land base of the former Mono National Forest, abolished December 18, 1945, requiring a change of the regional boundary between Regions 4 and 5 along the eastern front of the Sierra Nevada Range.

In 1965, under President Lyndon Johnson's policy initiative to improve the administration and efficiency of the federal government, it was decided that Region 7 would be eliminated and its responsibilities divided between Regions 8 and 9. Thus, the National Forests in the states of Kentucky and Virginia were transferred to the Southern Region, Region 8, and the forests of New England, Pennsylvania, and West Virginia were assigned to Region 9. Region 9, the North Central Region became Region 9, the newly configured Eastern Region. The headquarters of the former Eastern Region (Region 7) located in Upper Darby, outside Philadelphia, Pennsylvania was closed and all regional administrative responsibilities transferred to Milwaukee, Wisconsin. The Alaska Region retained the designation of Region 10. As a consequence of these changes, a Region 7 of the Forest Service no longer exists.





**Illustration 13:** Regional organization of the Forest Service as of 1969 showing the abolishment of the older Eastern Region (Region 7) and the transfer of its lands to the North Central Region (Region 9) now renamed the Eastern Region and the addition of national forest lands in Kentucky and Virginia to the Southern Region (Region 8). North Dakota with its national grasslands is now firmly back as part of the Northern Region.

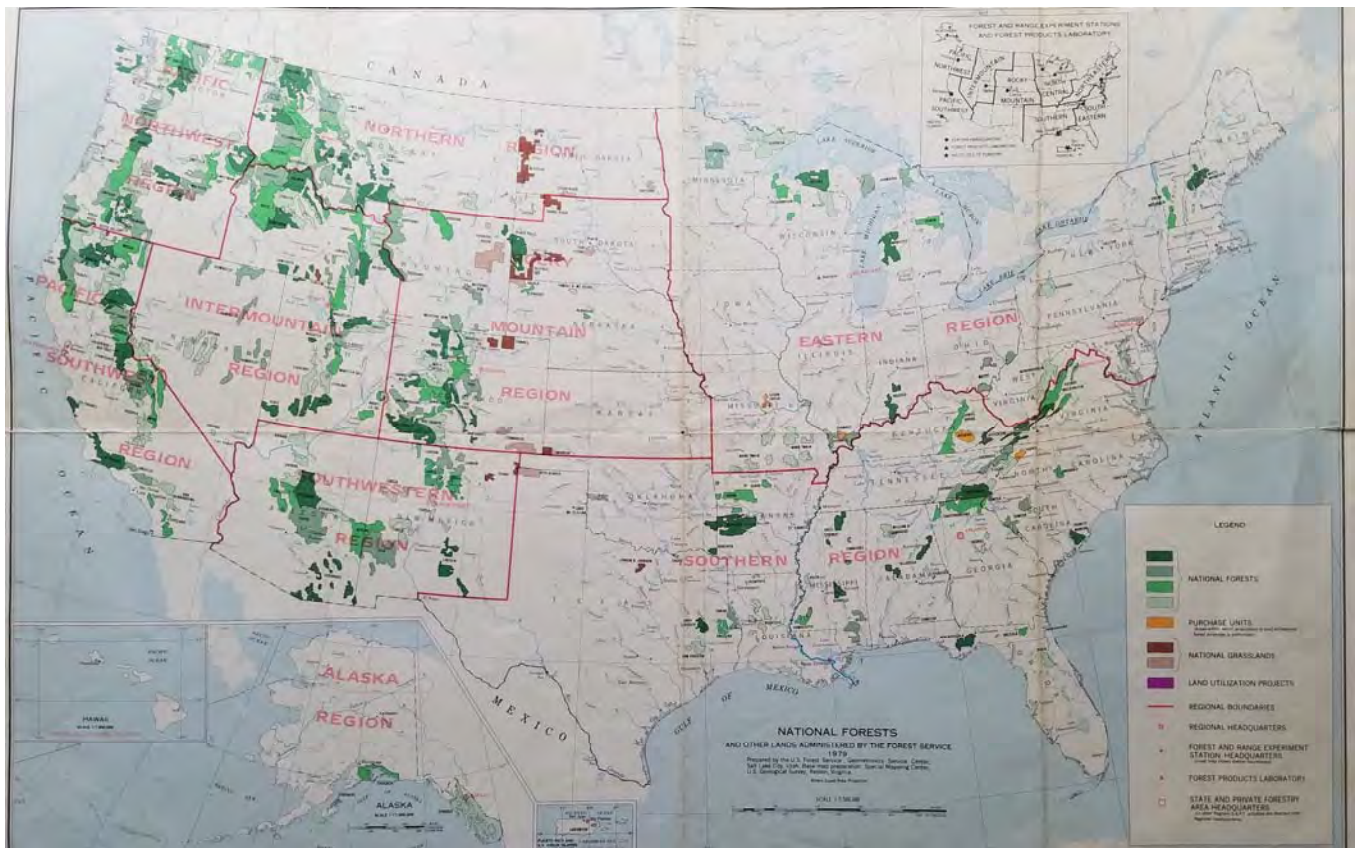
Changing the name of a national forest requires an official act of the President or Congress; changing the name of a region does not.<sup>25</sup> A check of readily available sources of historical information on the Forest Service has not yielded an authoritative date or even the year when the North Pacific Region (Region 6) changed its name to the Pacific Northwest Region. According to the anthology of first-hand accounts of the Forest Service personnel in the Pacific Northwest, 1905 to 2005, *We Had an Objective in Mind*, the change occurred in either late 1948 or early 1949.<sup>26</sup> This date is supported by the map record itself. The name change occurred between the publication of the forest visitor's maps of the Umatilla and Umpqua National Forests in 1948 and the October, 1949 publication of the Gifford Pinchot National Forest visitor's map. The Umatilla and Umpqua maps have "North Pacific Region," while the map of the Gifford Pinchot has "Pacific Northwest Region" on their front covers. A 1951 Forest Service map of the United States also names Region 6 the Pacific Northwest Region, confirming the change in name.

North Dakota came back into the Northern Region in 1965 after the reorganization of the Eastern and North Central Regions that same year. Region One's Custer National Forest had been assigned the responsibility of managing the national grasslands and purchase units in western North Dakota and northwestern South Dakota before the establishment of the Dakota Prairie Grasslands on October 1, 1998, that combined the four grassland areas in the area, namely, the Grand River in South Dakota and the Cedar River, Little Missouri, and Sheyenne, into one administrative unit with its own Supervisor located in Bismarck, North Dakota.

<sup>25</sup> The exception to this is Section 11 of the Weeks Law (36 Stat. 963) allows the Secretary of Agriculture to "...divide the lands acquired under this [Weeks] Act into specific national forests and so designate the same as he shall deem best for administrative purposes." For purchase units at least, naming and/or changing names can be done by the Secretary of Agriculture.

<sup>26</sup> *We Had an Objective in Mind: The U.S. Forest Service in the Pacific Northwest 1905 to 2005*, Portland, Oregon: Pacific Northwest Forest Service Association; Bend, Oregon: Maverick Publications, 2005, p. 556.

In the 1965 changes in the field organization of the Forest Service, the state of Hawaii and the nation's Pacific dependencies were added to the geographic domain of the California Region in order to support the Forest Service effort to establish cooperative programs between the states, territories and private land owners in the Pacific basin. To better reflect this change in area, the California Region was renamed the Pacific Southwest Region in 1978.<sup>27</sup>



**Illustration 14:** National Forest System lands and regional boundaries as of 1979. The Colville National Forest has been transferred back to the Pacific Northwest Region in 1974 after the reorganization of the Idaho Panhandle National Forests and the boundary between Region One and Region Six placed on the Washington-Idaho boundary. Slight modifications in the regional boundaries in the Dakotas between Region One and Two and again in northeastern Washington state have been made since 1979. This map shows all current regional names now in place.

### III. An Administrative History of the National Forests, The Early Years, 1891-1909

Within the administrative histories attached to each forest in the Regional Chapters one will find individual citations that chart the establishment of the forest reserve or national forest, added or eliminated lands, changed forest names, and in some instances, discontinued forests altogether. These administrative changes were required, by law, to be announced by the issuance of an official legal document, such as an Executive Order, Public Land Order, or other official notice through a recognized government channel. The Section 24 of the law of March 3, 1891 (26 Stat. 1095) granted the President the power to reserve portions of the timbered public domain by issuing a “public proclamation.” Thus, newly established forest reserves and national forests were announced by presidential proclamation. Since Congress authorized the president to create the forest reserves, these proclamations have the force of law and are included in the pages of the *United States Statutes at Large*. Executive Orders of the President carry the same force of law as Proclamations because the authority to issue them has been delegated to the executive branch by Congress. The difference between the two is that executive orders are aimed at those inside government while proclamations are aimed at those outside government. The majority of early executive orders amended civil service and passport regulations and were issued to govern the

<sup>27</sup> Beginning with the 1969 edition of the *Code of Federal Regulations* (Title 36, Chapter II, Part 200.2) and continuing each year thereafter, one can find the full field organization of the U.S. Forest Service listed by Region in a directory-style format. Part 200.1 describes the “Central Organization” of the U.S. Forest Service.

territories of the United States such as the Canal Zone and the Philippines. Executive orders also rearranged forest boundaries, combined several forests into one, withdrew lands temporarily for examination or resurvey, and eliminated some lands from the national forests. It took a presidential proclamation to establish the Cave Hills Forest Reserve, but a single executive order combined it and four other existing national forests into the new Sioux National Forest. On April 24, 1942, President Franklin Roosevelt issued his Executive Order 9146 authorizing the Secretary of the Interior to withdraw and reserve public lands, thus delegating presidential authority in this area to the department level agency. After this date the executive order was largely replaced by the Public Land Order issued by the Secretary of the Interior. Presidential proclamations continued to be used to establish new national forests, such as the Winema National Forest in Oregon in 1961, unless delegated to the Secretary of Agriculture as was the case when several purchase units became national forests with the secretary's order.

Coexisting with these formal executive announcements, there are the other actions that changed the land base and the management of the national forests where the law did not require the issuance of a legal announcement. In these instances, somewhat like the ability to organize itself into administrative regions, the Forest Service was granted the authority by Congress to exchange lands, accept donations of land, transfer forest acreage, and to create special areas within the national forests on its own. The laws that gave the Forest Service the ability to act on its own in these ways are found at the conclusion of this introduction in a final section entitled, *Laws and Regulations applicable to all Forest Reserves and National Forests*. Laws and other actions that affected only one national forest are listed in the administrative histories of that particular forest. This introduction hopes to familiarize the reader, in a slightly modified chronological arrangement, with the many different ways in which the national forests' names, boundaries, and land base were changed to solve problems created by their very establishment, to suit national policies, and to meet economic realities, either by the issuance of an official legal document or by an internal Forest Service action.

#### **A. Initial Establishment of the Land Base of the National Forest System**

Under the 1891 law entitled, "An Act to repeal timber culture-laws and for other purposes" approved March 3 (26 Stat. 1095), the President was given the authority to establish Forest Reserves within the public domain and to announce these newly created forest reserves with the issuance of a "public proclamation." On March 30 of that year, President Benjamin Harrison proclaimed the first reserve, the Yellowstone Park Timber Land Reserve (now largely the Shoshone National Forest in Wyoming). Before his term expired in March of 1893, he set aside 15 forest reserves totaling 13,417,000 acres. The presidents that followed Harrison, Cleveland, McKinley, Theodore Roosevelt, and William Howard Taft set aside many million more acres of additional reserves in the western states so that by 1909, before the Forest Service initiated land purchases under the Weeks Law of 1911, there were 151 federal forests embracing 194,505,325 acres in 18 states and four territories. This acreage formed land base of the initial National Forest System.

#### **B. Early Forest Reserves**

By March 4, 1893, the end of his term as President, Benjamin Harrison had proclaimed 15 forest reserves totaling over 13 million acres. With the exception of Yellowstone and Grand Cañon, Harrison's forest reserves originated with petitions from local governments and individuals concerned with water supplies and fire prevention. For example, the San Gabriel Forest Reserve protected water supplies for the Los Angeles basin and the Bull Run Forest Reserve guaranteed that the Bull Run watershed on the western slope of Mount Hood, would continue to provide clean water for the citizens of Portland, Oregon. President Grover Cleveland, in response to the recommendations made by the National Academy of Sciences commission on forest reserves, proclaimed 13 new Forest Reserves on Washington's Birthday in 1897, thereby removing from the public domain 21 million acres of the American West. These "Washington Birthday Reserves" set off an avalanche of protest from western interests. 11 of these 13 new Forest Reserves were soon suspended by an Act of Congress on June 4, 1897 (30 Stat. 34) also known as the "Organic Act" which stated that the "lands embraced therein restored to the public domain the same as though said orders and proclamations had not been issued: Provided further, that lands embraced in such reservations not otherwise disposed of before March first, eighteen hundred and ninety-eight, shall again become subject of the operations of said orders and proclamations as now existing or hereafter modified by the President."

From March 1898 to March 1903, 25 more forest reserves were proclaimed including reserves in Nebraska and one in the newly acquired Territory of Puerto Rico<sup>28</sup> including the 11 "Washington Birthday Reserves" suspended by the 1897 law.

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<sup>28</sup> King Alfonso XII of Spain created a 24,710-acre forest reserve on Crown lands in the Luquillo Mountains of Puerto Rico in 1876 by royal ordinance, one of the first reserves established in the Americas. *Passing the Baton, from the Taínos to Tomorrow: Forest Conservation in Puerto Rico*, edited by Kathryn Robinson, Jerry Bauer, and Aeriell E. Lugo (Rio Piedras: International Institute of Tropical Forestry, 2014). FS-862. p. 58.



Again, fire protection and conservation of water supplies formed the rationale for many of these new reserves in addition to the protection of timber. Also, existing reserves grew larger either through additions of new lands from the public domain or by the consolidation of smaller forests into larger ones. The one standout was the formation of the Yellowstone Forest Reserve of May 22, 1902. On that date a proclamation changed the name of the reserve from Yellowstone Park Timber Land Reserve to simply Yellowstone Forest Reserve and added 25,000 acres of the public domain to the existing reserve. Early the next year, the separate Teton and Absaroka Forest Reserves were added to the Yellowstone along with a million more new acres from the public domain in Wyoming. Three more proclamations over the course of four years yielded a massive forest reserve of 8,317,880 acres spread out over three states, surrounding Yellowstone National Park. A similar growth pattern occurred during this period for the Bitter Root and the Lewis & Clarke Forest Reserves, growing to 4,552,880 acres and 5,541,180 acres respectively. Smaller forests continued to exist and to be established, but these massive and unwieldy forest reserves were destined to be reorganized into smaller more manageable units.

### C. Gifford Pinchot's "Forest Arrangers"

In the first edition of Gifford Pinchot's "Use Book" of 1905, the Forester summarizes his view of how the forest reserves had been established in the times before the creation, in 1901, of the Bureau of Forestry within the Department of Agriculture:

"The boundaries of the earlier reserves were not always carefully drawn. Reports and recommendations were submitted to the Secretary of the Interior, for recommendation to the President, by special commissions, municipal organizations, and officials of the General Land Office. They seldom resulted either in the inclusion of all suitable lands in a forest reserve or the exclusion of all lands unsuited for reserve purposes. Vigorous protests then arose from dissatisfied interests, and the original boundaries had to be changed, a process not yet complete."

"In 1903 the need of better choice of reserve boundaries led to the establishment of a force of trained men devoted exclusively to this work, under a uniform and complete system of field study and report. The results were satisfactory, and the system remains in effect. Before any new forest reserve is created, or any change is made in the boundary of an existing reserve, a member of the Forest Service familiar with the work and with western conditions makes a careful investigation not only of the lands, but also of the interests involved. The claims of all industries and classes of residents are weighed, in order that no injustice may be done. The region is carefully mapped and photographed, and the boundary of the reserve is drawn to include only suitable reserve land. Possible agricultural areas are always excluded unless they are small and isolated."<sup>29</sup>

Before the Forest Reserves were transferred to the U.S. Department of Agriculture in 1905, Gifford Pinchot had obtained authority to gather and provide technical advice to the General Land Office, and under this authority organized a Boundary Division in the Bureau of Forestry under Frederick E. "Fritz" Olmsted. Elers Koch was one of a team of professional foresters Gifford Pinchot called his "Forest Arrangers" who traveled about the western states drawing boundaries on maps that enclosed proposed forest reserves. Koch would later write that, "The best public forest lands were rapidly passing into the hands of the lumber companies through all the devices of the public land laws, homesteads, timber and stone claims, and script. There was no time to lose, and G.P. [Pinchot] was sending his young men to ride the forests and mountains of all parts of the West, from Canada to Mexico, to map and report on all the considerable bodies of forest land still remaining in public ownership."<sup>30</sup> In his book *Breaking New Ground*, Pinchot stated that, "In 1903 and 1904 we had as many as fifteen boundary men in the field...all of them exceptionally good. As a result of their work and that of their successors, and of course of T.R.'s [President Roosevelt] backing, between 1903 and 1909 the area within Forest Reserve boundaries increased from 62,354,965 acres to 194,505,325. The greatest increase in any one year came in 1907."<sup>31</sup>

In 1903, Koch was sent to examine the forests of the Mount Shasta area in Northern California. He described his fieldwork in this way:

"I doubt if there has ever been such a wonderful job in the world as the early day forest boundary work. One was given a state map of say California or Montana or Wyoming, with an area of a few million acres roughly blocked out in green. One proceeded to the nearest point by rail, and then rode all summer, seeing thrilling

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<sup>29</sup> U.S. Dept. of Agriculture, Forest Service, *The Use of the National Forest Reserves: Regulations and Instructions*, (Washington: Secretary of Agriculture, 1905), p. 96-97.

<sup>30</sup> Elers Koch, *Forty Years a Forester, 1903-1943*, (Missoula: Mountain Press Publishing Co., 1998), p. 43.

<sup>31</sup> Gifford Pinchot, *Breaking New Ground*, (Washington: Island Press, 1998), p. 252. Forest acreages reported by Pinchot here represent total acreage that included many acres of private lands within national forest boundaries.

new wild country every day, sometimes with a pack outfit and packer, more often riding alone, stopping where night overtook one at small towns, ranches, sheep camps, or mines, or sleeping out if necessary. There was no great amount of burdensome detail; the country was mapped by traverse and from high points, sketching in the various timber types, grassland, barren, and brush. We figured on covering half a township to a township a day [18 to 36 square miles], and that is a lot of country. At the end of the field season we returned to Washington and took up desks in a big room in the Atlantic Building to prepare our reports and maps and draw in the boundaries for the new reserves. As fast as completed, proclamations were drawn and dispatched to President Roosevelt, who signed them, and thus added another million or two acres to the growing forest reserves.”<sup>32</sup>

After his field season had ended, Koch wrote about his work in Washington during the late fall and early winter, “Base maps were drafted from all available data, the forest types colored in with crayons<sup>33</sup>, and a detailed report made for each township. The final process was to outline the boundaries of the new reserve and give it a name...When the new proclamation for the Shasta Forest Reserve came back from the White House, freshly signed by President Roosevelt, with the boundaries just as I had drawn them on my maps, I felt as though I had given birth to a new baby.”<sup>34</sup> Koch’s “baby” came into the world nearly two years after he completed his fieldwork on October 3, 1905 at 1,377,126 acres.

Not all areas investigated by Pinchot’s “young men” became forest reserves as in the example of Montana’s Bear Paw Mountains. After examining the area in townships 26-29 N., and ranges 14-18 E. (Montana Principal Meridian), far too much land had by 1904 been transferred into private hands or alienated from federal government ownership to warrant a forest reserve being established in Bear Paws of Montana.

With the passage of the Fulton Amendment, attached to the Department of Agriculture appropriation act on March 4, 1907 (34 Stat. 1269), Congress prohibited establishing new national forests or adding lands to the national forests from the public domain by Presidential order or proclamation in the states of Colorado, Idaho, Montana, Oregon, Washington, and Wyoming. In order to follow the law when new national forests were named after 1907, for instance, the Beartooth National Forest in Montana (established 1908), the origin of the lands that made up the newly named forests had to be clearly stated in the Proclamation or Executive Order. In the Beartooth example, the new forest was created from lands of the former Yellowstone and Pryor Mountains National Forests, reserved well before the 1907 amendment. Proclamations after 1907 affecting the six states covered by the Fulton Amendment usually included these words, “It is not intended by this proclamation to reserve any land not heretofore embraced in a National Forest...” Also because of the Fulton Amendment, whenever new lands were added to the National Forests of the above named six states, it was by Public Law, that is, an Act of Congress, not by presidential action, or other purely administrative rule, although lands could be temporarily removed from entry by a presidential action under the authority of other federal laws.

#### **D. The Remarkable Reorganization of 1907/1909**

Much attention has been given to the struggle between the Congress and the Executive Branch before and after the President’s “Midnight Reserves” of March 1907 and the resulting reaction by Congress expressed in the restrictive Fulton Amendment. Much less discussion has been given to the veritable tidal wave of system-wide reorganization activity by the Forest Service following the Midnight Reserves controversy beginning on March 16, 1907, until the expiration of Theodore Roosevelt’s term as president in March of 1909. After the Fulton Amendment, the task of reorganizing the national forests with an eye towards effective administration began<sup>35</sup>. Large forests were broken apart into several new ones, or smaller areas combined to form larger national forests. Evidence of this system-wide effort to reorganize the national forests for better administration can be found in the Northern Region with the breakup of the massive 5.541 million-acre Lewis & Clarke National Forest into two new national forests and contributing large tracts of land to two existing forests. In the opposite direction, the establishment of the Sioux National Forest was made possible by combining five small national forests into one.

For nearly two years a blizzard of Proclamations and Executive Orders blew forth from the White House affecting the names and boundaries of national forests everywhere. The paper storm of 103 Proclamations and 95 Executive Orders established 23 new forests, added land to 57 existing forests in those states not named by the Fulton Amendment, eliminated lands in 21 others, changed names, re-drew boundaries, combined forests, and eliminated one forest and its

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<sup>32</sup> *Op. cit.* Koch, p. 43.

<sup>33</sup> Koch describes making the “Type and Title” maps as described in the essay, “The Mapping of the National Forests, found on this website.

<sup>34</sup> *Op. cit.* Koch, p. 50-51.

<sup>35</sup> The Forest Service called their reorganization efforts of 1907-1909 “Redistricting.”

reserved lands altogether. Generally, Roosevelt had used the proclamation as the preferred method to establish new forests and to add or eliminate lands in existing ones as the 1891 allowed, while the executive order was rarely used, usually for only minor issues, such as granting a right of way for a railroad or deleting small land parcels. However, during the last two years of his administration, President Roosevelt now issued scores of executive orders to reorganize and rename forests in the six western states subject to the Fulton Amendment. Executive Order 908 alone reorganized or changed the name of 79 National Forests.

In a large sense, Presidential proclamations are official public announcements that are most often, but not necessarily, based on laws passed by Congress giving the President the authority to act alone. Executive orders, by contrast, are directed towards federal agencies, regarding how they are to conduct the business of the government. During this time, the proclamation continued to be used for adding lands to existing national forests and to establish new forests in states not embraced by the Fulton Amendment, but the executive order became the legal vehicle for reorganizational purposes. President Roosevelt issued nearly 200 proclamations and executive orders affecting the national forests over this two- year period, an episode in the history of the National Forest System that would never again be equaled.

#### **IV. Promoting the Public Good and for the Economy of Administration: The Custodial Management Period to World War II, 1910-1941**

After 1909 and the departure of Gifford Pinchot as Chief, the Forest Service transitioned from its early period of actively establishing the land base and the broad policies of the national forest system to a period of adjusting forest boundaries to meet its public policy objectives and to improve administrative efficiency. The beginning sentences of the many proclamations and executive orders concerning the national forests issued by the President during this period reflect this transition by stating that the orders were being issued because ‘...it appears that the public good will be promoted...’ or for ‘...the economy of administration...’ The massive reorganization effort of 1907-1909 had, with broad strokes, produced forests that were more manageable in size with boundaries more in keeping with their political and topographical features. Afterwards, national forests demanded a multitude of smaller actions to further correct the boundaries that “were not always carefully drawn,”<sup>36</sup> and to meet the policy goals set by the Congress. Increased activity on some forests led to a few being divided into two, such as in the cases of the Tusayan in Arizona and the Eldorado in California, forests that were separated from the Coconino and Tahoe respectively, in 1910. On the other hand, because of the undeveloped character of the Ocala and Choctawhatchee Forests in Florida and the Michigan and Marquette Forests in Michigan, these forests were merged and administered as single units under the name Florida National Forest in 1911 and the Michigan National Forest in 1909. Additionally, several states had legitimate claims on federal lands that needed to be addressed. Over the next thirty years and beyond, the Forest Service acted to correct the rough beginnings of national forest boundaries, actions that are to be found within the administrative histories of each forest.

In 1909, forestland owned by the federal government reached a high of 172,230,000 acres with over 22 million acres of private lands within the boundaries of the national forests. For ten years after that high point, federally owned national forest acreage decreased each year to a low point in 1919 of 153,933,460 acres, largely because of the sustained work of land classification carried out by the Forest Service and the resulting elimination of lands better suited for purposes other than forestry. As the Forester, Robert Graves wrote in his annual report for fiscal year 1918, “The land classification idea lay behind the establishment of the Forests, but at first it had to be applied in a rough and ready way. The forested public lands were passing rapidly into private ownership, and there was no time for a refined classification. Hence the first decade of the twentieth century was the period of rapid area expansion, while close to another decade has been given to restudying the lands in order to determine just how much should be permanently held.”<sup>37</sup> Overall federal forest acreage declined even as land purchases in the east under the Weeks Law continued to add more acreage to the national forests at a steady rate.

##### **A. Boundary Adjustments**

The national forest boundary situation of 1910 as it appeared to Forester Robert Graves, Pinchot’s successor, was a result of the way in which the forest reserves were first proclaimed. Boundaries of forest reserves like those of the early national parks were, for the most part, squares or rectangles based on the public land grid and described accordingly in township, range and section numbers in proclamations, just as they were in the texts of public laws establishing the early national parks. However, in many instances, the public land grid had not yet been fully surveyed and platted in these remote forest highlands, only “projected” in most cases. When actually surveyed by the General Land Office, there would inevitably be

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<sup>36</sup> U.S. Dept. of Agriculture, Forest Service, *The Use of the National Forest Reserves: Regulations and Instructions*, (Washington: Secretary of Agriculture, 1905), p. 96.

<sup>37</sup> Henry S. Graves, *Report of the Forester, 1918*, (Washington: Government Printing Office, 1918), p. 6.



land clearly unsuitable for the purposes of forestry included within the national forests and good forestland found just outside the boundary lines. Boundaries would have to be adjusted to make up for this shortcoming. Also, initial boundaries were not drawn with actual administrative purposes in mind, and in many instances, completely ignored topography. The objective of establishing the early forest reserves was first to prevent forested areas from becoming alienated, that is, to pass from federal government ownership to private ownership during the time referred to as the “Great Crusade.”<sup>38</sup> Thus, many large rectilinear forest reserves crossed several high drainage divides making effective administration and travel difficult. Early reserves included lands in two and sometimes three states, such as the Priest Lake Forest Reserve, and passed their interstate characteristic on to their successor forests. While not every multi-state national forest became a one-state forest, there was a decided move in that direction. The reasons often cited were to simplify relations with the several states in terms of records, laws and regulations, accounts, and payments to counties, in short, for the efficiency of administration. Adjusting boundaries to better suit administrative realities, consolidate federal ownership within forest boundaries through exchange, and resolve state claims for their school sections within national forests were system-wide goals of the Forest Service as the bureau sought to emerge from its early formative period.

The reorganization of 1907-1909 under the Roosevelt-Pinchot administration placed forest boundaries on a more sustainable basis. The massive national forests of the Northern Rocky Mountains in District 1, the Lewis and Clarke, Bitter Root, and Yellowstone, were divided during the summer of 1908 into smaller more manageable forests with boundaries redrawn along drainage basin divides. The Forest Service made divisions of large national forests into smaller more manageable units in other districts too. District 6 broke apart the Blue Mountains National Forest of Oregon into four new national forests, the Washington National Forest in Washington State became three new national forests, and the Cascade National Forest occupying the entire Cascade Range in Oregon was transformed into four national forests and permanently moved the Umpqua National Forest from the Oregon coast into the Cascade Range. In District 5, the massive Sierra National Forest survived the reorganization as a much smaller national forest after the majority of its lands were transferred to the Inyo, Mono, and Stanislaus National Forests while its entire southern half became the new Sequoia National Forest. In every case, these actions created smaller, more manageable forests and affected all districts of the Forest Service.

In addition to the effort to re-size national forests into more manageable units, there was the parallel effort to draw boundaries more in harmony with existing topography. In June of 1911, President Taft issued several proclamations reorganizing the boundaries of the Idaho forests in District One. At 2.688 million acres, the large Clearwater National Forest and its neighbor, the Coeur d’Alene to its north, were reorganized largely along drainage basin boundaries. The area once covered by these two forests now became four with the creation of the new St. Joe and the Selway National Forests from within their boundaries. The Elkhorn Mountains, once home to the Elkhorn Forest Reserve, which was absorbed by the Helena National Forest in 1908, had the portion of the mountain area drained by the Elkhorn Creek in the southwest transferred to the Deerlodge National Forest in December of 1931. In all Districts, Forest Service launched similar efforts to redraw boundaries between the national forests more in harmony with the topography for more efficient administration.

## **B. Land Classification and Eliminations**

As Henry Graves wrote in the Forest Service’s Annual Report for 1910, “The mapping and other work necessary of the National Forest boundaries will be completed, and recommendations made of the additional boundary changes necessary to complete the elimination of lands not chiefly valuable for forest purposes, and, so far as is possible under the law, the inclusion of outside lands which are chiefly valuable for those purposes.”<sup>39</sup> The first priority given by the Forest Service was to identify and eliminate lands within the national forests more suitable for agriculture, in keeping with the Forest Homestead Act of 1906 (Public Law 59-220, 34 Stat. 233). In this law, Congress recognized, the “public good” would be promoted by making more agricultural land available for the settler. In his early Annual Reports, Forester Graves requested that Congress make funds available to the Forest Service to survey and classify lands not suitable for forestry purposes. In 1912, his agency obtained the funds and continued to receive appropriations for forest classification for several years. The Appropriations Act for the Department of Agriculture for the Fiscal Year Ending June 30, 1913 dated August 10, 1912 as Public Law 62-251 (37 Stat. 269, specifically 287) stated that the “Secretary of Agriculture is hereby directed and required to select, classify, and segregate, as soon as practicable, all lands within the boundaries of the national forests that may be opened to settlement and entry under the homestead laws applicable to the national forests, the sum of \$25,000 is hereby appropriated.” The next year, the amount was increased to \$100,000. By 1919 reclassification had returned nearly 14 million acres of national forest land to the public domain, of which a total of approximately 1.8 million acres were patented under the Forest Homestead Act of June 11, 1906. Also, part of the nearly 14 million acres were 5.8 million acres eliminated from the Chugach National Forest which embraced lands of low value for any purpose other than mining

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<sup>38</sup> William B. Greeley, *Forests and Men*. (Garden City, New York: Doubleday & Co, 1951), Chapter V “The Great Crusade,” p. 64-86.

<sup>39</sup> Henry S. Graves, *Report of the Forester for 1910*, (Washington: Government Printing Office, 1910), p. 61.

(Proclamation 1307, (39 Stat. 1740), August 2, 1915). “After nine years of steady sifting to separate from the Forest such lands as should not be permanently retained in public ownership,” wrote Graves in October 1918, “the task has, except in Alaska, been brought substantially to completion. The existing Forests are approaching stability.”<sup>40</sup>

### C. State School Lands

In addition to the need to eliminate lands from the national forests better suited for other purposes there was also the need to compensate the states for their school sections located within the national forests. Most western states received two square miles, or two sections in each Township, usually Sections 16 and 36, from the federal government upon their entry into the union for the support of public schools. New Mexico and Arizona were given four sections when they joined the union in 1912 and the Territory of Alaska was allowed to select 100 million acres of public land in advance of statehood in 1958. Normally, the state would then either sell or manage these lands to finance public school construction and maintenance. When railroad or wagon road land grants were made by the federal government, or when reservations for Native Americans or forest reserves were created, state school sections located within these areas could not be sold or managed by the states. “The first response to this situation was exchanging individual state school sections for unclaimed sections of the public domain. However, this presented excellent opportunities for land fraud. The second strategy was to exchange all of the school sections on federal reserves for other land of equal value in a continuous tract.”<sup>41</sup> An examination of all unsurveyed school sections within the national forests of Idaho was begun in compliance with an agreement of October 4, 1911, between the State of Idaho and the Department of Agriculture. In exchange for the State to relinquish its claim to the unsurveyed school sections within the several national forests, the State could select lands in lieu of its school sections in one or more areas lying along and within the boundaries of the national forests of equivalent acreage.<sup>42</sup> When the examination had been concluded, President Taft issued Proclamation 1235 on March 3, 1913 that allowed the State of Idaho to select 193,039 acres of timbered land from within the Kaniksu, Pend Oreille (District 1), and Payette (District 4) National Forests, lands that are detailed in the Proclamation itself. This action became the foundation for Idaho’s Priest Lake State Forest, 98% of which is still managed for the benefit of the state’s public schools by the Idaho Department of Lands. The state was also allowed to select 355,118 acres of public land outside the national forests, but in close proximity to the Caribou National Forest<sup>43</sup> in Bannock, Bingham, and Bonneville counties. In a parallel process in Idaho, President Taft issued his proclamation 1198 (37 Stat. 1743) on October 4, 1912, which amended his proclamation 1143 of June 29, 1911 (37 Stat. 1697) creating the St. Joe National Forest to allow the state of Idaho to select lands within the boundaries of the St. Joe to compensate for the state’s school sections located within the boundaries of this national forest.

An agreement was reached with the state of Montana on December 23, 1912 on the fate of that state’s school sections and land classification for the purpose of exchange was, in the words of the Forester, “vigorously prosecuted” by Forest Service surveyors. Also facilitating land exchanges in District One forests was Proclamation 1181 of February 15, 1912 (37 Stat. 1729) which allowed the state of South Dakota to select lands within the boundaries of the Black Hills, Harney and Sioux National Forests to satisfy its common school grant of two sections of land per township. These lands were selected by the state and deleted over time. Land exchanges between the states and the Forest Service benefitted both, said Robert Graves in 1912:

“The advantages of such exchanges of land both to the States or individuals and to the Forest Service scarcely need pointing out. The States will in each case secure valuable areas of land in compact form in lieu of scattered sections. This will enable them to secure greater revenue from the areas both by State management of the timbered lands and by more advantageous leases of the grazing areas. The Forest Service benefits from such exchanges principally because it is advantageous from an administrative standpoint to have the national forest units as solid as possible.”<sup>44</sup>

### D. Transfer (1909) and Restoration (1912) of Forested Indian Reservation Lands

The Southwestern Region (Region 3) and the Pacific Southwest Region (formerly the California Region, Region 5) share an episode in the administrative history of the national forest found in none of other regions: the transfer in 1909 of thousands

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<sup>40</sup> Henry S. Graves, *Report of the Forester, 1918*, (Washington: Government Printing Office, 1918), p. 5-6.

<sup>41</sup> Ward Tonsfeldt, *Celebrating the Siuslaw: A Century of Growth*, (Washington: Government Printing Office, 2010), p. 59.

<sup>42</sup> Henry S. Graves, *Report of the Forester, 1912*, (Washington: Government Printing Office, 1912), p. 16-17.

<sup>43</sup> See both the text of Proclamation 1235 (37 Stat. 1777) and Henry S. Graves, *Report of the Forester* [1913], (Washington: Government Printing Office, 1913), p. 45. Also *Report of the Forester* [1916], p. 6.

<sup>44</sup> Henry S. Graves, *Report of the Forester, 1912*, (Washington: Government Printing Office, 1912), p. 16.

of acres of Indian Reservation land and their addition to adjoining national forests for administration and the subsequent restoration of those lands to their Indian Reservations of origin three years later.

During the formative years of federal forestry, it was the policy of the federal government to assimilate Indians into American society and its corollary, the breakdown of Indian tribal identity by the transformation of tribal assets into individual assets and terminating the reservations. The centerpiece of this policy was the General Allotment Act of 1887, also known as the Dawes Severalty Act, whereby parcels of land were allotted to individual tribal members to give them a sense of private property ownership. Once all Indians residing on a reservation had been given allotments, the remaining land would be declared surplus and made available to non-Indians for land entry or purchase. The Roosevelt administration continued the allotment program, but the President and Gifford Pinchot were fearful that when lands were declared surplus there would be no stopping timber companies from taking up and exploiting the forested parts of the surplus reservation lands, forsaking conservation principles. There would be no incentive for the non-Indian owners to re-plant the forest after harvesting or to manage the lands for the long term. To avoid the possibility that this rapacious behavior and despoliation of former Indian Reservation forests, a sequence of events that had so often taken place in the west by private interests, Pinchot wanted these forested lands transferred to the Forest Service for management so they could be managed according to the principles of sustained yield and watershed protection.

President Roosevelt and his close conservation allies, such as Pinchot and Secretary of the Interior James Garfield, believed that Roosevelt's successor, William Howard Taft would not be as friendly to the conservation cause, and in the remaining weeks of his administration, Roosevelt directed that Pinchot and his Interior Secretary draft proclamations with accompanying maps that would add more public land to the National Forest System before he left office on the 4<sup>th</sup> of March, 1909. On March 2, 1909, Roosevelt signed thirteen proclamations that added some 16 million acres to the national forests in California, Arizona, and New Mexico, states not subject to the Fulton Amendment of 1907. Included in these thirteen proclamations were seven affecting forested Indian Reservations.<sup>45</sup> These seven proclamations transferred Indian lands to their neighboring national forests of the Southwest (District 3) and Pacific Southwest Regions (District 5).

Each of the proclamation conveying forested Indian Reservation lands carried the same terms. Each declared that for a period of twenty-five years, the forested Indian Reservation land transferred to the U.S. Forest Service by the proclamation, would continue to be managed by the Secretary of the Interior and the Commissioner of Indian Affairs for the benefit of and free use by individual Indians of timber and stone found on the lands, grazing stock, for domestic uses. Allotments would also continue unimpaired. For the same period, Indian tribes would continue to keep the income from the leasing of grazing privileges and the disposal of dead and down timber, but under the rules and regulations established for such activities by the Secretary of Agriculture. After the twenty-five-year period, all lands transferred by the proclamation and not allotted to individual Indians would become a permanent part of the national forest and subject to all the laws and regulations governing the National Forests.

All of these proclamations were in place when President Taft entered office and named as his Secretary of the Interior, Richard A. Ballinger. The friendly and cooperative relationship that Pinchot enjoyed with the Interior Department came to an abrupt end and soon the fears that Pinchot, the outgoing Interior Secretary, James Garfield and President Roosevelt felt after the election of 1908 became a reality. In the summer of 1909, Ballinger cancelled the cooperative agreement between the Agriculture and Interior Departments on land management and Pinchot and Ballinger fought over public land withdrawals for ranger stations and water-power sites. The conflict rose to national attention in the fall of 1909 when Pinchot pointed to thirty-three coal claims in Alaska as being suspicious if not invalid. President Taft soon dismissed Pinchot for insubordination.

A joint investigative committee of the Congress held hearings on the coal claims and the Ballinger-Pinchot controversy. These hearings also covered the management of Indian timberlands by the Department of the Interior. The committee cleared Ballinger on the Alaska coal claims on a partisan vote and the findings from the testimony on Indian forests were

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<sup>45</sup> All dated March 2, 1909 these were:

Proclamation 859 transferring lands of the White Mountain Apache Reservation to the Sitgreaves National Forest;  
Proclamation 862 transferring lands of the Mescalero Apache Reservation to the Alamo National Forest;  
Proclamation 863 transferring lands of the Jicarilla Apache Reservation to the Carson National Forest;  
Proclamation 864 transferring lands of the Zuni and Navajo Reservations to the Zuni National Forest;  
Proclamation 865 transferring lands of the Hoopa Valley Reservation to the Trinity National Forest;  
Proclamation 866 transferring lands of the White Mountain Apache Reservation to the Apache National Forest;  
Proclamation 871 transferring lands of the Tule River Indian Reservation to the Sequoia National Forest.

inconclusive. But the “Ballinger Affair” strained relations between the Forest Service and the Interior Department for many years thereafter.

A major land use policy change grew indirectly out of the Ballinger Affair hearings. Congress passed Public Law 61-313 on June 25, 1910 (36 Stat. 857, Section 7) authorizing the selling of living and down timber on Indian Reservations under the regulations issued by the Secretary of the Interior and not the U.S. Forest Service. The Commissioner of Indian Affairs created a Branch of Forestry within the Indian Service to manage the Indians’ forests later that year. Forested Indian lands would be forever separated from the National Forests and would be managed for the benefit of the Indians themselves. But this new path conflicted with the overall national Indian policy of allotments and phasing out of Indian Reservations. The federal government would hold Indian timberlands for Indians as a trustee and manage them for the benefit of the Indians and not for the public at large. Furthermore, once the allotment process was complete, these lands would not be turned over for sale or entry as had been the previous policy.

With this new direction for Indian Reservation forests questions arose. Could the seven proclamations transferring Indian forests that Theodore Roosevelt signed on March 2, 1909 still stand? Could the forested lands not allotted to individual Native Americans be ultimately transferred via the seven Presidential Proclamations to the U.S. Forest Service on March 2, 1934? With the federal government now in the role of trustee for the Indian forests, President Taft did not believe that they could be transferred to federal ownership by Presidential proclamation without due compensation. To meet its trustee responsibilities as assigned to the Department of the Interior by the Congress to manage Indian forest lands, Taft restored the lands to the seven affected Indian Reservations in a series of eight Executive Orders, numbers 1475 to 1482, all dated February 17, 1912 and effective March 1, 1912 overturning Roosevelt’s proclamations. These lands described by Roosevelt’s seven 1909 proclamations remain in tribal ownership and management to this day.

## **E. Land Exchanges**

Land exchanges for the purposes of consolidating land ownership within the national forests, be it with the states, private timber or land companies, or individuals was avidly pursued by the Forest Service system-wide, and fulfilled both the overriding concern of the Forest Service to serve the public good and for the economy of administration. And what began as an effort to compensate states for their school sections led to a comprehensive effort to consolidate land ownership within the boundaries of the national forests. After several years in the making, with Forester Greeley providing his strong and consistent support, Congress passed “An Act To consolidate national forest lands” on March 20, 1922 (Public Law 67-173, 42 Stat. 465) authorizing the Secretary of Agriculture to exchange land within the exterior boundaries of national forests for private land of equal value or with timber of equal value with all types of land owners.<sup>46</sup>

Before this 1922 law passed which applied to all national forest lands, Congress had authorized the Forest Service to exchange lands on a forest-by-forest basis. Forester Henry Graves explained exchanges in 1918:

“Exchanges of land are primarily for the purpose of consolidating the holdings of the Government. They can be made only as authorized by specific acts of Congress. Hitherto exchanges have been principally for State school lands. The first exchanges made were on the basis of equal area and value [Note: an example would be the June 24, 1914 exchange law for the Ochoco National Forest Public Law 63-117, 38 Stat. 387]. Subsequently exchanges were provided for on a basis solely of equal value. Such exchanges as a rule result in an increase of acreage. Finally, the act authorizing exchanges on the Whitman Forest [Public Law 64-284, September 8, 1916, 39 Stat. 852] has provided for obtaining title to private lands whose owners take in return for the lands surrendered an equal value of National Forest timber. As the exchange policy embodied in legislation is more widely applied considerable increases of the National Forest area from this source are probable.”<sup>47</sup>

Forester William B. Greeley in his 1922 annual report noted the importance of the 1922 exchange law:

“One of the most significant events in the history of the national forest movement occurred on March 20, 1922, when the President signed the bill authorizing the exchange of privately-owned forest lands within any national forest for Government owned land or stumpage within any national forest in the same State. No other forest legislation passed in recent years will have so far-reaching an influence for the betterment and extension of the public forest properties. Under its terms, private owners who could not handle their holdings advantageously either independently of the national forests or under correlated use can offer them in exchange for lands or stumpage of

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<sup>46</sup> For a broader discussion, see, Harold K. Steen, *The U.S. Forest Service: A History*, Centennial Ed. (Seattle: Forest History Society in association with the University of Washington Press, 2004), p. 147.

<sup>47</sup> Henry S. Graves, *Report of the Forester, 1918*, (Washington: Government Printing Office, 1918), p. 9.

equal value and better located for their purposes; while the public can obtain lands suitable for permanent forestry without drain upon the Public Treasury.”<sup>48</sup>

This 1922 law applied only to those lands within the external boundaries of the national forests. This was expanded to cover an area of up to six miles outside the boundaries for Montana national forests by the “Act for the exchange of lands adjacent to the national forests of Montana” dated January 30, 1929 (Public Law 70-694 (45 Stat. 1145). There were some 24 million acres of private land enclosed within national forest boundaries in 1920. By 1950, William B. Greeley wrote that “Five million, six hundred and ninety-seven thousand acres have been acquired by trading public land and timber for state or private woodlands.”<sup>49</sup>

The following table, with source data from the annual reports of the Forest Service, conveys an idea of the number of exchange transactions and acreages involved in selected fiscal years in the national forest system. The Forest Service acquired only forested acreage while private landowners acquired Forest Service owned lands and/or the right to cut federal timber in exchange for their private lands. The exchange law of 1922 and its amendments authorized the Forest Service, the Secretary of Agriculture’s representative, to conduct land exchanges on its own and therefore, without the need to issue formal proclamations or orders adding or deleting lands so exchanged. Thus, land exchanges do not appear in the administrative histories of each forest found in the Regional Chapters.

| Fiscal Year | Number Transactions | Acreage Acquired by Forest Service | Acreage Released in Exchange & | Stumpage (Board Feet or Value) |
|-------------|---------------------|------------------------------------|--------------------------------|--------------------------------|
| 1927        | 68                  | 65,582                             | 23,768                         | \$86,041.00                    |
| 1932        | 112                 | 190,259                            | 41,953                         | 113,438,000 board ft.          |
| 1937        | 81                  | 150,036                            | 31,449                         | 119,694,000 board ft.          |
| 1941        | 174                 | 290,112                            | 50,176                         | 444,417,000 board ft.          |
| 1947        | 114                 | 459,929                            | 149,240                        | 598,000,000 board ft.          |
| 1952        | 175                 | 85,970                             | 23,238                         | 63,033,000 board ft.           |
| 1957        | 77                  | 82,442                             | 33,223                         | No stumpage exchanged          |
| 1962        | 91                  | 53,320                             | 40,890                         | 3,345,000 board ft.            |
| 1967        | 155                 | 83,813                             | 81,550                         | No stumpage exchanged          |

Table 1: Number of land exchange transactions, 1927 – 1967 at five-year intervals

## F. National Park Transfers

The administrative histories for each of the national forests during this time period bear witness to national policy issues and concerns of the day, such as recreation and the future of the national parks. Congress continued to establish national parks, many at the expense of the national forests. The Blackfeet National Forest in Montana was reduced by almost half of its original size on May 11, 1910 under Public Law 61-171 (36 Stat. 354) when 915,000 acres, or its entire eastern half straddling the continental divide, was transferred to establish Glacier National Park. A rivalry between the Forest Service and the National Park Service developed soon after the latter’s agency’s establishment in 1916 over coordinating outdoor recreation between these two bureaus in two different cabinet departments and in deciding which national forest land should be transferred to augment the national park system. Large losses in national Forest Service land had occurred in 1915 with the creation of the Rocky Mountain National Park in Colorado and the transfer of the Grand Canyon National Monument from the Forest Service to the National Park Service in 1919, the year the Grand Canyon was designated by Congress as a National Park. Harold K. Steen wrote that Forester Greeley and Stephen T. Mather, Director of the National Park Service met in 1920 and agreed to “examine those portions of national forests under consideration for national parks. Only national forest land “where the dominant resource consists of scenic features of such a character as to have national importance” would be converted to parks. The two bureau chiefs further agreed that “areas whose dominate resources are economic or whose scenic and recreation features are not of outstanding importance should remain national forests.”<sup>50</sup> In addition, administrative histories of those national forests adjacent to national parks will show land exchanges between the Park Service and the Forest Service that led to better more efficient management for both agencies.

<sup>48</sup> William B. Greeley, *Report of the Forester, 1922*, (Washington: Government Printing Office, 1922), p. 13-14.

<sup>49</sup> William B. Greeley, *Forests and Men*. (Garden City, New York: Doubleday & Co., 1951), p. 195, and, William B. Greeley, *Report of the Forester, 1920*, (Washington: Government Printing Office, 1920), p. 7.

<sup>50</sup> Op. Sit., Steen, p. 157.

There were other actions and events that supported the national parks at the expense of the national forests. To assist the Oregon Short Line (Union Pacific Railroad) in developing West Yellowstone, Montana into a tourist destination, Congress passed legislation in 1919 (Public Law 65-255) that allowed the railroad to purchase land from the Madison (now Gallatin) National Forest for the construction of a hotel, station grounds, and terminal facilities (40 Stat. 1152). In addition, the law required that the hotel operate under the rules and regulations as the Secretary of the Interior may prescribe consistent with other hotels within Yellowstone National Park. On June 10, 1933, Park Service Director Horace Albright engineered a tremendous expansion of the national park system adding historic sites and national monuments to the system of national parks. Section 2 of President Franklin Roosevelt's Executive Order No. 6166 placed all existing national monuments under the jurisdiction of the Park Service, thus transferring many national monuments out of Forest Service hands. For all regions of the Forest Service, Executive Order 6166 meant the transfer of several large areas that had, up to that time, been very well managed by the Forest Service, such as the Gila Cliff Dwellings National Monument in New Mexico, and Lava Beds National Monument in California, to name only a few. It was not until December of 1980, after the passage of the Alaska National Interest Lands Conservation Act (PL 96-487 – 94 Stat. 2371), when the Forest Service would once again manage National Monuments.<sup>51</sup> ANILCA established the Admiralty Island and the Misty Fiords National Monuments on the Tongass National Forest and put the Forest Service in charge of their administration. President Jimmy Carter previously proclaimed these two Alaskan National Monuments on December 1, 1978 (Proclamation No. 4611 (93 Stat. 1446) and 4623 (93 Stat. 1466) respectively) but President Carter's proclamations were silent on which agency would manage them.

### **G. Additions by Congressional Act**

With an increasing public acceptance of the national forest idea and with opposition in retreat, Congress showed its willingness to add lands to the national forests through legislation. This was a legal necessity for many western states since the Fulton Amendment of 1907 precluded the addition of public land to the national forests solely by presidential action. In the administrative histories of the national forests, there are several public law references that added lands by the Congress. One very striking example occurred on the Nezperce National Forest in Idaho. As established in 1908 from lands formerly administered by the Bitter Root Forest Reserve, there were two large square areas excluded from the reserve: one of 64 sections surrounding the promontory of Buffalo Hump and another of 36 sections surrounding the community of Elk City. Both these square areas enclosed productive gold mining areas overlain with hundreds of mining claims. Since the public land grid had not yet been surveyed for these remote areas, the proclamation of 1897 establishing the Bitter Root Forest Reserve, the predecessor of the Nezperce National Forest, simply projected the best square outlines encompassing the mining areas and kept them out of the reserve. The Buffalo Hump mining district turned out to be a rather small strike and was soon largely abandoned while the Elk City district along the South Fork of the Clearwater River remained quite productive for a much longer period of time. With the reason for excluding the Buffalo Hump mining district from the national forest system gone, the Congress authorized the President on March 1, 1921 to include in the Nezperce National Forest any or all of its 64 sections (PL 66-345, 41 Stat. 1196). Four months later, President Harding added the entire area by issuing Proclamation 1600 on July 9, 1921 (42 Stat. 2243). The area is now largely included in the 206,053-acre Gospel-Hump Wilderness Area. However, all 36 sections of Township 29 North, Range 8 East (Boise Meridian) surrounding Elk City still remain outside the national forest boundary forming a rather conspicuous "hole" in the Nezperce National Forest.

### **H. Land Withdrawals for Administrative Sites and for Examination**

Oftentimes, upon recommendation, lands adjacent to national forests were withdrawn from public entry by a presidential executive order, a right given to the President by Congress in "An Act to authorize the President of the United States to withdrawals of public lands in certain cases" of June 25, 1910 or Public Law 61-303 (36 Stat. 847). This law and its amendments allowed the President to temporarily withdraw land for resurvey in cases of disputes, or classification purposes pending a determination as to the advisability of reserving the land so withdrawn for addition to the national forests, national parks and monuments, Indian Reservations, reservoir sites, and several other public purposes. Many Forest Service ranger stations and other administrative sites were located on land withdrawn under this law. Also, land was withdrawn in advance of Congressional action, such as deeding property to cities and states for watershed protection and for public parks or for addition to the national forests. In some cases, land was withdrawn to settle land claims or to re-survey lands in order to adjust inaccurate public survey landlines.

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<sup>51</sup> For a more complete examination, see Williams, Gerald W. *National Monuments and the Forest Service*, found on the National Park Service's Park History web site: [https://www.nps.gov/parkhistory/online\\_books/fs/monuments.htm](https://www.nps.gov/parkhistory/online_books/fs/monuments.htm)

Such a withdrawal process can be seen in the Absaroka National Forest undertaken in order to manage another national forest resource, that of big game, in this case the migrating elk herds from Yellowstone National Park. The northern or “Park” elk herd would migrate north out of the park and onto private lands or lands of the Gallatin and Absaroka National Forests along the Yellowstone River during the winter. It was essential to put this strip of land under federal protection in order to extend and preserve the winter range of the migrating elk and thus to ensure the herd’s continuing survival. The process began by a series of executive orders, number 2599 of April 16, 1917 and 3053 of February 28, 1919, withdrawing all public lands from entry by authority of the above mentioned Public Law 61-303 of June 25, 1910, in order to study the area for possible use of the lands as a game preserve.<sup>52</sup> The results of this study led Congress to pass Public Law 69-295 of May 26, 1926 that added public land to the Absaroka National Forest east of the Yellowstone River primarily for elk winter habitat. It also allowed for the exchange of private lands in the specified area, outside of existing forest boundaries, for federal forestland in other locations and for the outright purchase of those lands in order to consolidate holdings. Finally, executive order 5433 of August 28, 1930 returned to the public domain all lands withdrawn by the two executive orders cited above that were not added to the national forests by Public Law 69-295.<sup>53</sup>

## **I. National Forests on Military Reservations**

Under Section 9 of the Clarke-McNary Act of 1924, (43 Stat. 653) the President was given authority to proclaim national forests within the boundaries of any government reservation, except national parks, mineral reservations, Indian Reservations, and national monuments if approved by the cabinet secretary administering the particular reservation. This led to the creation, with the approval of the Secretaries of War and Agriculture, in the years following, of several new national forests on military reservations totaling nearly 300,000 acres, such as the Upton National Forest on New York state’s Long Island and the Knox National Forest in Kentucky.<sup>54</sup> Other military reservations, or parts, were added to adjoining national forests as new ranger districts with provisions that would allow the military unhampered use of the areas. The new national forests were largely confined to the Eastern District of the Forest Service, however, there were five established west of the Mississippi River. Within the Northern District, the Fort Missoula Wood and Timber Reservation, set aside in the 1870s to support the nearby military fort, was added to the Missoula National Forest as that forest’s Fort Missoula District by Executive Order no. 4503 of September 2, 1926. It was the last such transfer of its kind under Section 9 the Clarke-McNary Act.

The idea that former military camps be reserved for forestry purposes originated with Forester William B. Greeley. The Forester noted in a suggestion to the Secretary of Agriculture, William C. Wallace, that Camp Benning in Georgia possessed over 40 million board feet of lumber in a timber stand covering 75% of the camp’s land area. Secretary Wallace brought the idea to Secretary of War John W. Weeks who thought the idea worth pursuing and appointed a military representative to work with Greeley on developing a plan for the dual use of Camp Benning. A plan of forest management that in no way interfered with the military use of the land was put together and a proposed bill for the consideration of Congress was drawn up for this one location, but it soon became apparent to both agencies that legislation covering the establishment of one national forest on one military reservation was not the best way to proceed. It would be better to obtain legislative authority permitting the establishment of national forests on any military reservation agreed upon by the War and Agriculture secretaries. The result was Section 9 of the Clarke-McNary Act of 1924.

Congressman (1905-1913) and later Senator (1913-1918) John W. Weeks, the source of the Weeks Law of 1911, which allowed federal purchases of lands in watersheds of navigable streams and for other forestry purposes, was an early supporter of Warren G. Harding, and became his Secretary of War in 1921 after Harding won the presidency. Weeks presided over the administration’s military downsizing efforts after World War I. Calvin Coolidge retained Weeks in that capacity after Harding’s death in 1923 and after his own election as president in 1924. Secretary of War Weeks, as a long-time supporter of extending the national forest system, approved the creation of these new national forests and new ranger districts on underused, post-war, military reservations as part of the general demobilization effort. However, Weeks experienced a stroke in April of 1925 that led to his resignation from the cabinet post in October of that year. Weeks later died at his home in Lancaster, New Hampshire on July 12, 1926. After his resignation and death, every one of the new national forests established on former military reservations in the east under the Clarke-McNary Act were, by 1929, abolished and restored to the War Department for administration by Presidential Executive Orders.<sup>55</sup> Military reservations added as districts to adjoining national forests such as Fort Brady in Michigan, Fort Wingate in New Mexico, Fort Meade in South Dakota, Fort

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<sup>52</sup> William B. Greeley, *Report of the Forester, 1920/1921*, (Washington: Government Printing Office, 1921), p. 28.

<sup>53</sup> For a discussion of the various elk herds of the Yellowstone, see William B. Greeley, *Report of the Forester, 1925/26*, (Washington: Government Printing Office, 1926), p. 34-35.

<sup>54</sup> William B. Greeley, *Report of the Forester, 1925*, (Washington: Government Printing Office, 1925), p. 17.

<sup>55</sup> Except for the Bellevue-Savanna National Forest in Illinois, which was returned to the Department of Defense in 1954.

D.A. Russell in Wyoming, and the 1926 transfer of the Fort Missoula Wood and Timber Reservation immediately southeast of the city of Missoula, all remain, respectively a part of the Hiawatha, Cibola, Black Hills, Medicine Bow, and Lolo National Forests to this day. The Fort Huachuca District on the Coronado National Forest in Arizona reverted to exclusive War Department administration on July 1, 1929 and the Bellevue-Savannah National Forest in Illinois was finally returned to the Department of Defense on July 15, 1954, thus closing a singular chapter in the history of the national forests.

### **J. Transfers Under the Taylor Grazing Act of 1934**

Forester Silcox in his annual report for the fiscal year, 1934 noted that “the act of June 28, 1934 (48 Stat. 1269) authorizing the Secretary of the Interior to regulate grazing on the public domain, although, not directly relating to national forest administration, also requires mention because of its importance in connection with all range administration of federal lands.”<sup>56</sup> These few words by Silcox about the Taylor Grazing Act of 1934 masks how contentious an issue future management of the public rangelands had become and the disappointment the Forester felt after the passage of the Taylor Act itself.<sup>57</sup> Coming so soon after the transfer of all national monuments from the Forest Service to Interior’s National Park Service, the Taylor Act seemingly left the Forest Service out of the conversation about the future of the remaining public domain, even after establishing a long verifiable track record of efficient and professional management of the grazing lands within the boundaries of the national forests.

“The Taylor Act provided for the segregation of a maximum of 80 million acres of vacant unappropriated and unreserved public lands to be organized into grazing districts under the control of the Secretary of the Interior. The Secretary was also authorized to initiate measures to protect, regulate, and improve the lands within the districts, to issue permits for use of the range, determine fees and the number of livestock to be permitted in each district. The Act was amended in 1935 to increase the acreage to be included in the grazing districts, and Executive Orders in November 1934<sup>58</sup> and February 1935<sup>59</sup> issued under the authority of the act, effectively closed the public domain to entry.”<sup>60</sup> Section 13 of the 1934 Act allowed the President to reserve, in states where it was permitted via Executive Order, unappropriated public lands within watersheds administered by the national forests, lands more suitable for timber management and add those lands to existing national forests, and to transfer existing national forest land to the Department of the Interior, those lands being more suitable for grazing under the provisions of the Act.

In 1934, it was not permitted in any state embraced by Region 1 of the Forest Service for the President to add unappropriated public lands to existing national forests due to the Fulton Amendment of March 4, 1907. That obstacle was eliminated on July 20, 1939 with the passage of Public Law 76-199 (53 Stat. 1071) that essentially nullified the Fulton Amendment as it applied to Montana. Thereafter, the President could create new national forests or make additions to existing national forests in the state using unappropriated public lands. Under the authority of this 1939 law and the Taylor Act, 32,788 acres of public lands were added to the Bitterroot, Cabinet, and Kootenai National Forests under Public Land Order 878 of January 7, 1953. Another 38,239 acres became part of seven Montana national forests on February 23, 1966, and under Public Land Order 4793 of April 2, 1970, 5,780 acres of unappropriated public land were added to the Gallatin National Forest. Public Land order 3938 which added lands to so many forests on February 23, 1966, also eliminated from the national forest system the entire 27,881-acre Little Rockies Division of the Lewis & Clark National Forest, which later became its own grazing district administered by the Interior Department’s Bureau of Land Management. The Little Rockies Forest Reserve was established on March 2, 1907 as one of the “Midnight Reserves.”

Despite its contentious beginnings, the Taylor Act resulted in many forested acres of public land and lands essential for the protection of watersheds under the jurisdiction of the Forest Service and transferring some national forest land more suitable for grazing purposes to the Interior Department.

### **K. Land Donations**

Section 7 of the Clarke-McNary Act of 1924 (43 Stat. 653) permitted the Secretary of Agriculture to accept donations of private land for forestry purposes provided that the land parcels are large enough and in close enough proximity to existing national

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<sup>56</sup> Ferdinand A. Silcox, *Report of the Forester, 1934*, (Washington: Government Printing Office, 1934), p. 7.

<sup>57</sup> See Harold K. Steen, *The U.S. Forest Service, A History*. Centennial Ed. (Seattle: Forest History Society in association with the University of Washington Press, 2004), pages 204-208.

<sup>58</sup> Executive Order 6910, November 26, 1934.

<sup>59</sup> Executive Order 6964, February 5, 1935.

<sup>60</sup> Mary C. Rabbitt, *Minerals, Lands, and Geology for the Common Defence and General Welfare*, Volume 3, 1904-1939. (Washington, Government Printing Office, 1986), p. 353.



forests to manage. The donor could place reservations on the donated land as preconditions to acceptance, but such reservations could not exceed twenty years. Any property, rights, easements, and benefits reserved by the donor would be subject to state tax laws. This authority to accept donations was reiterated in Section 5 of the “Act to facilitate and simplify the work of the Forest Service...” of March 3, 1925 (Public Law 68-574, 43 Stat. 1132). The hardships of the 1930s, where many private timberland owners found it difficult to pay state property taxes to avoid confiscation by the state, enjoyed the option of donating their forest land, in most cases, cut-over lands then restocking with second growth stands, to the federal government. In his 1936 annual report, Chief Silcox wrote that “...the national forest area was appreciably enlarged by donations of lands, aggregating 85,117 acres and bringing the total of donated lands (since 1924) to 240,929 acres.”<sup>61</sup> Donated lands could be held and managed by the Forest Service or be exchanged.

Not only were donations accepted from private interests, local jurisdictions also found donating lands attractive. Silcox continued,

“Counties to which lands have reverted through tax delinquency regard with increasing favor the idea of conveying such lands to the United States for permanent forest management. Under this course, the residual values of the lands are conserved, improvements indispensable to their protection and use are installed, destructive fires are prevented or suppressed, and the utilization of the remaining resources controlled, all to a degree that would not be practicable under the financial and legal limitations to which the counties are subject. The increased acreage of national forest land qualifies the county for proportionately increased shares of national forest revenues and road expenditures. Similarly, private owners of forest lands are increasingly recognizing that if their cut-over lands are donated to the United States their remaining timbered lands, sawmills, railroads, and the like will benefit by the more effective protection, development, and management that will ensue; while greater permanency will be given to the enterprises and community values in which they are directly interested. For these reasons, donations promise to be progressively important means of consolidating and extending the public properties.”<sup>62</sup>

The national forests in Idaho’s panhandle were the most affected by land donations, but as the 1930s progressed, significant donations occurred in Colorado and Oregon as well. The Forest Service also accepted donations of small areas for administrative purposes. By the eve of World War II in June 1941, 394,721 acres had been donated to the national forests. As the poor economic conditions of the 1930s that made it advantageous to donate land to the Forest Service ebbed away during wartime and in the prosperous post-war era, land donations ceased to be as important a source of new forest land as they once were.

Donations, like land exchanges, with authority rooted in federal law, allowed the Secretary of Agriculture to accept donated lands and add their acreage to the national forests without the necessity of presidential action. Thus, additions to national forests by donation are not noted in a forest’s administrative history as found in the Regional Chapters. Whenever encountered in relevant sources, donations are noted in the brief introductory paragraphs for each forest. Land donations did keep Forest Service cartographers busy with map revisions and by comparing maps of the same forest but issued in succeeding years, the impact of the donations can be discovered.

#### **L. Forest Consolidations. “...for the Economy of Administration.”**

Besides proclamations and executive orders, changing national forest names, eliminating lands unsuited for forestry purposes, redrawing boundaries between forests along watershed divides, adding lands under the authority of Congress, there were relatively few, perhaps about a dozen major forest consolidations until the 1930s. Forest consolidations occurred throughout the system during the 1930s from New Mexico and the Arizona Strip to central Montana and northern Idaho as well as in the Cascade Range of Oregon and Washington. By the 1930s, infrastructure improvements, such as roads and telephone lines, and the need to cut staff and administrative costs mandated by the Hoover administration at the beginning of the Great Depression, led to a significant reorganization of the forests. To illustrate this, a paste-on note found on some copies of the 1930 edition of the forest visitor map for the Lewis & Clark National Forest does an excellent job of explaining the rationale for forest consolidations at this time in the history of the national forests: “This map represents the area embraced in the former Lewis & Clark National Forest. Since the map was printed a somewhat larger area, formerly comprising the Jefferson National Forest, has been consolidated [1932] with this unit to form the present Lewis & Clark Forest, all under the direction of one Forest Supervisor whose headquarters office is at Great Falls, Montana. Such combinations of administrative units are made in order to reduce overhead expense. They have become possible in several cases due to recent road development work

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<sup>61</sup> Ferdinand A. Silcox, *Report of the Chief of the Forest Service, 1936*, (Washington: Government Printing Office, 1936), p. 10.

<sup>62</sup> Ibid.

and other improvements in communication and transportation facilities, which have made it possible for a Supervisor to maintain control over a larger area than formerly.”<sup>63</sup> One might add to this that radio communication and a wider use of aircraft by the Forest Service further justified forest consolidation.

In the 1940s, the transfer of lands, forest consolidations, and the discontinuation of some forest names differed from the reorganizations of the 1930s in that these actions were made by the Public Land Order that was introduced by Executive Order 9146 on April 24, 1942. This Executive Order and its various reissues, authorized the Secretary of the Interior to sign all orders withdrawing or reserving public lands and all orders revoking or modifying such orders, provided that such orders have the prior approval of the President’s Budget Office, the Attorney General, are published in the *Federal Register*, and with the advance concurrence of the executive agency concerned. Beginning in the spring of 1942, the Public Land Order issued by the Secretary of the Department of the Interior, became the dominant instrument for most boundary modifications to the national forests and a subsequent decrease in the reliance on the President’s Executive Orders and official Proclamations to accomplish these actions on the public lands. The Presidential Proclamation would still be used to create new National Forests such as the Six Rivers National Forest in California in 1947, but the Public Land Order would, until the advent of the “National Forest Management Act of 1976,” would be the primary vehicle used for eliminating lands, adding lands to existing forests, and transferring existing lands between forests and between other federal agencies, including the National Park Service, the Bureau of Land Management, and the Defense Department.

## V. Wilderness Areas

The establishment of wilderness areas within national forests is perhaps the ultimate administrative change that a parcel of national forest land can experience aside from being eliminated altogether. Wilderness areas are managed so that they are used and enjoyed as wilderness in the present and leave them unimpaired for future use, or, in other words, they are managed to insure an enduring resource of wilderness for the nation. Therefore, the creation of wilderness is given the prominence it deserves in each forest’s administrative history. Until Congress passed the Wilderness Act of 1964, the Forest Service acted under its authority to “exercise or cause to be executed all laws” granted to it under Public Law 58-34 (33 Stat. 628) that transferred the responsibility of the forest reserves to the Department of Agriculture, in designating primitive, wilderness and wild areas throughout the National Forest System. Thus, like other decisions internal to the agency itself, before 1964, descriptions along with dates detailing the establishment of these special areas are not found in the administrative histories of individual forests. The year in which these early wilderness areas were set apart can, however, be teased out of maps and other publications of the Forest Service, and these are provided whenever possible. But the early record is scattered among secondary sources. Even the annual reports of the U.S. Forest Service do not mention when wilderness and other special administrative areas, such as experimental forests, came into being.

Two events in 1924 were to have major influence on our national wilderness policy. The first was the convening in Washington, DC on May 22<sup>nd</sup> through the 24<sup>th</sup> of The National Conference on Outdoor Recreation. The Conference took testimony from a wide variety of federal, state, and local governmental representatives, public service organizations, and outdoor associations which identified a number of issues that needed further examination, from the role of municipal parks to federal interagency cooperation, and education. To continue the momentum gained from the meetings, the Conference organized no less than 19 separate committees to study the major issues in outdoor recreation. One of those committees, chaired by William P. Wharton of the American Forestry Association, was the Committee on Survey and Classification of Recreational Resources, which issued its final report in 1928. Chapter four of that report entitled “The National Forests” addressed the many outdoor recreation opportunities in the forests, such as summer home sites, public campgrounds, and designated recreation areas. Significantly, Wharton dedicated the largest section of chapter four to the advancement of wilderness recreation and included a reprint of Aldo Leopold’s October, 1925 wilderness article published in the American Forestry Association’s journal *American Forests and Forest Life*.<sup>64</sup> 19 pages with illustrations and a fold-out map distinguishes this chapter of the report that includes Leopold’s wilderness ideas, provides definitions, examines wilderness qualities, advances a proposal for the creation of 21 named wilderness areas,<sup>65</sup> and carries suggestions from former Chief Forester Greeley for a sound wilderness policy. The chapter concludes with the words: “While intensive and mass forms of outdoor recreation will properly continue to be encouraged on the national forests, due recognition, it is hoped, will be given

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<sup>63</sup> Typescript correction sheet, including underlining, attached to the forest visitors map of the *Lewis and Clark National Forest, Montana*, 1930. U.S. Department of Agriculture, Forest Service, (Washington: Government Printing Office: 1930).

<sup>64</sup> “The Last Stand of the Wilderness: A Plea for Preserving a Few Primitive Forests...” by Aldo Leopold, in *American Forests and Forest Life*, vol. 31, no. 382, p. 599-604.

<sup>65</sup> 19 of the 21 possible wilderness areas listed in the report would later be included in the National Wilderness Preservation system. The two exceptions were the proposals for the Whitefish Range, Montana and the Mogollon Rim in Arizona.

– and given now before it is too late – to the legitimate demand for opportunities to enjoy the simpler forms of wilderness outdoor life disassociated with highways and crowds.”<sup>66</sup> These recommendations would eventually lead to the Forest Service issuing new regulations on special areas in 1929.

The other precedent setting wilderness event that took place in 1924 was the establishment of the Gila Wilderness in New Mexico. In June of 1924, Frank C.W. Pooler, District Forester for the Southwestern District, followed the advice of wilderness advocate and his own Assistant District Forester in charge of Operations, Aldo Leopold, and designed 574,000 acres of the Gila National Forest in New Mexico, as a place whose primary and highest use would be for wilderness recreation. Leopold was the first to define and use the word “wilderness” in proposing a particular kind of land use within the national forests and went on to be one of the founding members of the Wilderness Society in 1935. In 1926, William B. Greeley, Chief Forester issued an order for a comprehensive survey of potential wilderness lands under Forest Service jurisdiction and then requested each forest supervisor to submit a list of possible wilderness areas within their area.<sup>67</sup>

The 1924 designation of the headwaters of the Gila River as a wilderness area, together with the setting aside of a roadless wilderness area of 755,000 acres in Minnesota’s Superior National Forest in 1926 were the only such designated areas until 1929 when the Secretary of Agriculture issued his L (Lands) -20 Regulation. The new regulations were no doubt promoted by the wilderness inventory and recommendations initiated by the Chief Forester in 1926 and by the 1928 report of the Joint Committee on Recreational Survey of Federal Lands. Until Regulation L-20, a District Forester’s wilderness set asides could easily be overturned by the next district forester or the chief forester. The L-20 regulation defined and provided a procedure for the establishment of Experimental Forests, Experimental Ranges, Natural Areas, and Primitive Areas, although the regulation carried the title of “Experimental Forests and Ranges” alone.

There are many references in the literature to Regulation L-20, and a few partial quotations from it, but the full text is rather elusive. Perhaps the first and possibly the only widely available printing of the L-20 regulation appeared in the Saturday, August 15, 1936, issue of the *Federal Register*. Curiously, it was not identified by its Forest Service designated number “L-20.” However, it followed the text of all other “Lands” regulations from L-1 to L-19. Despite being inadvertently unnumbered, one can easily recognize that by its title it is Regulation L-20. Here is the complete text:

**[L-20] Experimental Forests and Ranges.** The Chief of the Forest Service shall determine, define, and permanently record a series of areas of national forest land to be known as experimental forests sufficient in number and extent adequately to provide for the experimental work necessary as a basis for forest production or forest and range production in each forest region, these areas to be dedicated to and used for research; also where necessary a supplemental series of areas for range investigations to be known as experimental ranges; and a series to be known as natural areas sufficient in number and extent adequately to illustrate or typify virgin conditions of forest or range growth in each forest or range region, to be retained in a virgin or unmodified condition for the purposes of science, research, and education; and a series of areas to be known as primitive areas, and within which will be maintained primitive conditions of environmental, transportation, habitation, and subsistence, with a view to conserving the value of such areas for purposes of public education and recreation. Within any areas so designated, except for permanent improvements needed in experimental forests and ranges, no occupancy under special-use permit shall be allowed or the construction of permanent improvements by any public agency be permitted except as authorized by the Chief of the Forest Service or the Secretary.<sup>68</sup>

The very next year, under Regulation L-20, the Chief of the Forest Service established primitive areas in the state of Oregon, namely the Eagle Cap, Mountain Lakes, and the Mount Jefferson Primitive Areas. Ten years after Regulation L-20, primitive areas totaling about 14.2 million acres, including two canoe areas in Minnesota, had been set-aside on the national forests. Between 1929 and 1939, the following primitive areas were created on national forest lands, listed in chronological order by region, however, a few, such as the Gila Primitive Area and those identified in the Pacific Southwestern Region (Region 5) had been set aside earlier by the District Forester and were later reaffirmed by the Forester in Washington, D.C. under the L-20 regulation.

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<sup>62</sup> *Recreation Resources of Federal Lands.*, (Washington, National Conference on Outdoor Recreation, 1928), p. 108.

<sup>67</sup> Michael From, *Battle for the Wilderness*, (New York: Praeger Publishers, 1974), p. 121.

<sup>68</sup> “Regulations of the Secretary of Agriculture Related to the Protection, Occupancy, Use, and Administration of the National Forests.” *Federal Register* 1:1100 (15 August 1936), p.1100.

#### Northern Region (Region 1):

**Mission Mountains** (1931) on the Flathead National Forest.  
**South Fork of the Flathead** (1931) on the Flathead National Forest.  
**Absaroka** (1932) on the Absaroka National Forest and after 1945 on the Gallatin National Forest.  
**Beartooth** (1932) on the Absaroka (later Gallatin) and Custer National Forest.  
**Spanish Peaks** (1932) on the Gallatin National Forest.  
**Pentagon** (1933) on the Flathead National Forest.  
**Sun River** (1934) on the Lewis & Clark National Forest.  
**Cabinet Mountains** (1935) on the Cabinet National Forest (after 1954, the Kaniksu and Kootenai).  
**Selway-Bitterroot** (1936) on the Bitterroot, Clearwater, Lolo and Nezperce National Forests.  
**Anaconda-Pintlar** (1937) on the Beaverhead, Deerlodge, and Bitterroot National Forests.

#### Rocky Mountain Region (Region 2)

**Mount Zirkel-Dome Peak** (1931) on the Routt National Forest.  
**Gore Range – Eagles Nest** (1932) on the Arapaho and Holy Cross (later White River) National Forests.  
**Cloud Peak** (1932) on the Bighorn National Forest.  
**Rawah** (1932) on the Colorado National Forest (later the Roosevelt )National Forest.  
**Mount Shavano** (1932) on the Cochetopa National Forest. Primitive Area discontinued circa 1945.  
**La Garita – Sheep Mountain** (1932) on the Cochetopa National Forest (later on the Gunnison and Rio Grande National Forests). Name shortened to La Garita Wild Area in 1961 upon reclassification.  
**West Elk** (1932) on the Gunnison National Forest.  
**Upper Rio Grande** (1932) on the Rio Grande National Forest.  
**San Juan** (1932) on the San Juan National Forest.  
**Uncompahgre** (1932) on the Uncompahgre National Forest.  
**Stratified** (1932) on the Washakie National Forest (later the Shoshone National Forest).  
**Flat Tops** (1932) on the White River National Forest  
**Wilson Mountains** (1932) on the Montezuma National Forest (later the San Juan and Uncompahgre National Forests) (Lizard Head Wilderness)  
**Maroon Bells – Snowmass** (1933) on the Holy Cross National Forest (later the White River) National Forest.  
**Glacier** (1937) on the Washakie National Forest (later the Shoshone National Forest) (Fitzpatrick Wilderness)  
**Popo Agie** (1937) on the Washakie National Forest (later the Shoshone National Forest).

#### Southwestern Region (Region 3)

**San Pedro Parks** (1931) on the Santa Fe National Forest.  
**Galiuro** (1932) on the Crook (after 1953 on the Coronado) National Forest.  
**Mazatzal** (1932) on the Tonto National Forest.  
**Mount Baldy** (1932) on the Apache National Forest.  
**Chiricahua** (1933) on the Coronado National Forest.  
**Gila** (1933) on the Gila National Forest (755,000 acres previously set aside in 1924 – 1933, 433,690 acres – see entry for the Black Range, below)  
**Pecos** (1933) on the Carson and Santa Fe National Forests.  
**Pine Mountain** (1933) on the Prescott and Tonto National Forests.  
**Sierra Ancha** (1933) on the Tonto National Forest.  
**White Mountain** (1933) on the Lincoln National Forest.  
**Blue Range** (1933) on the Apache and Gila National Forests.  
**Black Range** (1933) on the Gila National Forest. (169,336 acres, originally part of the 1924 Gila Primitive Area)  
**Sycamore Canyon** (1935) on the Coconino, Kaibab, and Prescott National Forests.

#### Intermountain Region (Region 4)

**Bridger** (1931) on the Wyoming (later Bridger) National Forest  
**High Uintas** (1931) on the Ashley and the Wasatch National Forests.  
**Idaho** (1931) on the Idaho (later Payette), Challis, Salmon, National Forest. After the reorganization of the national forests of central Idaho in 1944, the lands of the Boise National Forest included a part of the Idaho Primitive Area.  
**Hoover** (1931) on the Mono (later the Toiyabe – Region 4, and the Inyo – Region 5) National Forest.

**Teton** (1934) on the Teton National Forest  
**Sawtooth** (1937) on the Boise, Challis and Sawtooth National Forests

#### Pacific Southwest Region (Region 5)

**Salmon-Trinity Alps Primitive Area** (1926, reaffirmed 1932) on the Shasta and Trinity National Forests.  
**Agua Tibia Primitive Area** (1929, reaffirmed 1931) on the Cleveland National Forest.  
**Desolation Valley Primitive Area** (1929, reaffirmed 1931) on the Eldorado National Forest.  
**Emigrant Basin Primitive Area** (1929, reaffirmed 1931) on the Stanislaus National Forest.  
**High Sierra Primitive Area** (1929, reaffirmed 1931) on the Inyo, Sierra, and Sequoia National Forests.  
**Hoover Primitive Area** (1929, reaffirmed 1931) on the Mono (later the Toiyabe – Region 4, and the Inyo – Region 5) National Forest.  
**Middle Eel – Yolla Bolly Primitive Area** (1929, reaffirmed 1931) on the California (later Mendocino) and Trinity National Forests.  
**Mount Dana – Minarets Primitive Area** (1929, reaffirmed 1931) on the Mono (later Inyo) and Sierra National Forests.  
**San Gorgonio Primitive Area** (1929, reaffirmed 1931) on the San Bernardino National Forest.  
**San Jacinto Primitive Area** (1929, reaffirmed 1931) on the San Bernardino National Forest.  
**South Warner Primitive Area** (1929, reaffirmed 1931) on the Modoc National Forest.  
**Telegraph Peak Primitive Area** (1929, reaffirmed 1931) on the San Bernardino National Forest (later (1932) the Cucamonga Primitive Area.  
**Ventana Primitive Area** (1929, reaffirmed 1931) on the Santa Barbara (later the Los Padres) National Forest.

#### Pacific Northwest Region (Region 6)

**Mountain Lakes Primitive Area.** Established 1930 on the Crater National Forest (after 1932 on the Rogue River National Forest, after 1961, on the Winema National Forest).  
**Olympic Primitive Area.** Established 1930 on the Olympic National Forest. Largely absorbed by the Olympic National Park and discontinued as a Forest Service primitive area.  
**Eagle Cap Primitive Area.** Established 1930 on the Wallowa and the Whitman National Forests.  
**Mount Jefferson Primitive Area.** Established 1930 on the Mt. Hood, Santiam (Willamette) and Deschutes National Forests.  
**Whatcom Primitive Area.** Established 1931 on the Mt. Baker National Forest on 172,800 acres. Enlarged and new name in 1935, the North Cascades Primitive Area on 801,000 acres including the area now known as the Pasayten Wilderness.  
**Mt. Hood Primitive Area.** Established 1931 on the Mt. Hood National Forest.  
**Goat Rocks Primitive Area.** Established 1931 on the Rainier National Forest (after 1933 on the Columbia & Snoqualmie National Forest).  
**Three Sisters Primitive Area.** Established 1937 on the Deschutes and the Willamette National Forests.

When it came to mapping these special areas, the terms “Primitive” and “Wilderness” were on occasion only loosely applied. For instance, the very first map of the Anaconda-Pintlar issued in 1938 carried the title, *Anaconda-Pintlar Wilderness Area* even though Regulation L-20 clearly called for naming of such designated areas as primitive areas. Generally, cartographers recognized and implemented Regulation L-20 and primitive areas were labeled as such on administrative and forest visitor maps from this period, 1929-1939. But there are instances where “primitive” and “wilderness” and even “wild” were used interchangeably, especially after 1939 when new wilderness regulations were issued.

New regulations to govern the administration of special areas within the national forests were issued on September 19, 1939 by Secretary of Agriculture, Henry Wallace. These were the well-known “U-Regulations” and were written by wilderness advocate and then Forest Service employee, Bob Marshall. The U-Regulations superseded the L-20 Regulations of 1929. They were classified under the system developed by the Division of the Federal Register, National Archives Administration by the authority of the Federal Register Act of July 26, 1935 (49 Stat. 500), under Title 36, *Parks and Forests*, Chapter 2, Part 251 “Land Uses.”

**251.20 Wilderness Areas.** Upon recommendation of the Chief, Forest Service, national forest lands in single tracts not less than 100,000 acres may be designated by the Secretary as “wilderness areas” within which there shall be no roads or other provision of motorized transport, no commercial timber cutting, and no occupancy under special use permit for hotels, stores, resorts, summer homes, organization camps, hunting and fishing lodges, or similar uses: *provided, however,*

That where roads are necessary for ingress or egress to private property these may be allowed under appropriate conditions determined by the forest supervisor, and the boundaries of the wilderness area shall thereupon be modified to exclude the portion affected by the road.

Grazing of domestic livestock, development of water storage projects which do not involve road construction, and improvements necessary for fire protection may be permitted subject to such restrictions as the Chief deems desirable. Within such designated wildernesses, the landing of airplanes on national forest land or water and the use of motorboats on national forest waters are prohibited except where such use has already become well established or for administrative needs and emergencies.

Wilderness areas will not be modified or eliminated except by order of the Secretary. Notice of every proposed establishment, modification, or elimination will be published or publicly posted by the Forest Service for a period of at least 90 days prior to the approval of the contemplated order and if there is any demand for a public hearing, the regional forester shall hold such hearing and make full report thereon to the Chief of the Forest Service, who shall submit it with his recommendations to the Secretary. Regulation U-1, Sept. 19, 1939; 4 F.R. 3994. Issued under the authority of Section 1, 30 Stat. 35, Section 1, 33 Stat. 628 16 U.S.C. 551, 472.

In 1940 the Bob Marshall Wilderness Area was created by the reclassification and merger of three primitive areas: the South Fork of the Flathead (1931), Pentagon (1933) and the Sun River (1934) to honor Robert 'Bob' Marshall, head of recreation management for the Forest Service from 1937 until his untimely death on November 11, 1939, and one of the principal founders in 1935 of the Wilderness Society. This action terminated three separate Primitive Areas and created one new Wilderness Area under the U-1 regulation.

Similarly, Wild Areas were also defined and management procedures established in Regulation U-2 in the same *CFR* Title. The main difference is that Wild Areas contained less than 100,000 acres and these smaller areas could be designated as Wild by the Chief of the Forest Service. The larger Wilderness Areas had to have the approval of the Secretary of Agriculture.

**251.21 Wild Areas.** Suitable areas of national forest land in single tracts of less than 100,000 acres, but not less than 5,000 acres may be designated by the Chief, Forest Service, as "Wild Areas," which shall be administered in the same manner as Wilderness Areas, with the same restrictions on upon their use. The procedure for establishment, modification, or elimination of wild areas shall be as for wilderness areas, except that final action in each case will be by the Chief. Regulation U-2, Sept. 19, 1939; 4 F.R. 3994. Issued under the authority of Section 1, 30 Stat. 35, Section 1, 33 Stat. 628 16 U.S.C. 551, 472

For example, on March 25, 1948, the Chief of the Forest Service, Lyle F. Watts, dedicated the Gates of the Mountains Wild Area on 28,562 acres of the Helena National Forest. The name came from the journals of Lewis and Clark. The explorers noted that these mountains seemed to bar their passage up the Missouri River on their journey to the Pacific.

The 1939 U Regulations stood for 25 years until the passage of the Wilderness Act of 1964. All primitive areas created before 1939 would remain primitive areas and newly created areas would be classified either as "Wilderness" or "Wild" based purely on size. However, when these regulations were issued it was announced that all existing primitive areas would be systematically restudied and portions predominantly valuable for wilderness would be reclassified under regulations U-1 and U-2. Forest Service cartographers, as has been noted, would often apply the U-Regulations on pre-1939 primitive areas and name them accordingly. For instance, the less than 100,000-acre Mission Mountains Primitive Area was labeled a primitive area on 1938 maps of the Flathead National Forest, but the 1948, 1951, and 1954 maps of the Flathead labeled the tract as being a "Wild" area. At about 74,000 acres, the area could well be classed as "Wild" under the U regulations, but because it was set aside in 1931 under Regulation L-20 and not yet reclassified, it was officially known as a primitive area. Similarly, a Bitterroot National Forest map of 1940 carried the name Selway-Bitterroot Primitive Area, but maps from the 1950s call the area a Wilderness Area. Indeed, from the 1940s through the middle 1950s, the Forest Service produced thematic maps of the United States showing the agency's "Wilderness and Wild Areas" with all such areas either-or, with no mention of any being primitive areas. When national discussions began in earnest on a comprehensive wilderness act in 1956/57, such national maps were re-titled as "Wilderness-Type Areas" and indicated "Wilderness" areas created under Regulation U-1, "Wild" areas established under Regulation U-2, and all other areas not so marked or officially reclassified as being primitive areas<sup>69</sup>. Any mistaken identities were corrected on maps of individual forests from about 1956 to 1964 as well. Wilderness legislation then taking shape would establish a National Wilderness Preservation System and, upon passage, all areas then designated "Wilderness," "Wild," or "Canoe" for 30 days before passage of the Wilderness Act would immediately become part of the System. Thus, looking at a sequence of Forest Service maps alone, one might suspect that the Forest Service was demoting an existing wilderness or wild area back to primitive area status and thus

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<sup>69</sup> These wilderness type maps of the United States are listed in the Regional Chapter for Region 10, the Alaska Region.

keeping the area from becoming part of the future National Wilderness Preservation System just before passage of the Wilderness Act of 1964. But in reality, the Forest Service only corrected and uniformly applied the use of the terms wilderness, wild, and primitive on its maps to accurately reflect the regulations under which the areas were established.

In addition to new wilderness and wild areas created under the U Regulations, the Forest Service reclassified many primitive areas or parts of them as wilderness and wild areas. In 1940 there were estimated to be some 11,755,149 acres in primitive areas with 2,462,024 in wilderness, wild, or canoe areas. By 1963, primitive areas accounted for 6,017,409 acres, a decrease of 5,737,740, while wilderness, wild, and canoe areas increased their extent to 8,405,784 acres. This increase represented not only reclassified primitive areas, but also additional land reservations for wilderness purposes.<sup>70</sup> Information on exactly when a Primitive Area had been reclassified either as Wilderness or Wild before the passage of the Wilderness Act of 1964 proved to be difficult to uncover. At times Forest Service annual reports provided a full date or sometimes only the year an area had been reclassified or the text on a forest visitor map gave a reclassification date. Whenever a reclassification date has been found it is provided not in the administrative history of the area's host national forest but in the descriptive text for that forest.

Before the Wilderness Act of 1964, reclassification of primitive areas sometimes led to acreage reductions. On January 11, 1963, the Forest Service announced the establishment of the Selway-Bitterroot Wilderness encompassing 1,239,840-reclassified acres within the Bitterroot, Lolo, Clearwater, and Nezperce National Forests along the Bitterroot Divide on the Idaho and Montana border. This figure represented a reduction of the former 1,875,306-acre Selway-Bitterroot Primitive Area, established under Regulation L-20 in 1936. While some 72,300 acres outside the original 1936 Primitive Area were added, the southern portion of the former Primitive Area bordering the Salmon River, some 216,870 acres, was detached from the new wilderness and renamed the Salmon River Breaks Primitive Area. Also detached from the new Selway-Bitterroot Wilderness Area were some 490,906 acres of lowland valleys on the periphery of the original primitive area, the so-called Magruder corridor and the Lochsa River face. This area was returned to regular national forest management. On the other hand, the Anaconda-Pintlar Primitive Area was formally reclassified as a Wilderness Area in December of 1962 without a reduction in its original size of 159,000. The Cabinet Mountains Primitive Area was similarly reclassified as a Wild Area early in 1964 without loss of acreage.

Shortly after this action of establishing a smaller, but more permanent Selway-Bitterroot Wilderness, and days before the passage of the Wilderness Act of 1964, on June 7, 1963, the Forest Service issued Regulation U-2a which extended to primitive areas established before September 29, 1939, or before the advent of the U Regulations, the same protection as wilderness areas, in other words, "administered in the same manner...and with the same restrictions on their use." Procedures for modifying or eliminating primitive areas shall be the same as for wilderness areas, except that final action in each case will be taken by the Chief of the Forest Service and, regulation, numbered 251.21a, also prohibited the establishment of any more primitive areas."<sup>71</sup> Today, there is only one remaining primitive area, the Arizona portion of the Blue Range Primitive Area. This primitive area was established in 1933 on the Apache and Gila National Forests in both Arizona and New Mexico. The New Mexico portion of this primitive area became the Blue Range Wilderness Area on December 19, 1980. Wilderness advocates hope that one day the Arizona portion of the Blue Range Primitive Area will be reunited with its New Mexico section to form a larger two-state Blue Range Wilderness Area.

The landmark Wilderness Act of 1964 (Public Law 88-577 (78 Stat. 890) established a National Wilderness Preservation System, defined "wilderness," and initiated a ten-year process for identifying areas suitable for wilderness designation. In passing the law, Congress gave itself, for the first time, the power to determine how a particular piece of national forest land was to be classified and used. It decided which previously established areas would immediately become part of the National Wilderness Preservation System by stating in Section 3(a) that "All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or by the Chief of the Forest Service as "wilderness," "wild," or "canoe" are hereby designated as wilderness areas."

Under the Wilderness Act, those areas that remained unclassified Primitive Areas were placed in the review process known as the Roadless Area Review and Evaluation, or RARE. The RARE process began as a system-wide effort in 1967 by the Forest Service and culminated in 1972 in an agency finding that 12,300,000 acres of forestland were suitable for wilderness designation. However, because the courts ruled that this first study, RARE I, had not fully complied with the National

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<sup>70</sup> U.S. House. Committee on Interior and Insular Affairs. Subcommittee on Public Lands. *Additions to the National Wilderness Preservation System*. Hearing, 24, 26, and 27 July 1979. (Serial No. 96-11, Part III). Washington: U.S. Government Printing Office, 1980. Testimony of M. Rupert Cutler, page 59.

<sup>71</sup> "Designating Areas and Prohibition of Uses," *Federal Register* 28: 111 (7 June 1963) p. 5617-18.

Environmental Policy Act of 1969, its recommendations were abandoned. RARE II was begun in 1977 and its findings, too, were largely overruled by the courts.

Even as the reviews were being conducted, Congress decided several times to act on its own outside of the RARE process and designate wilderness areas in the national forests. Each additional wilderness area after 1964 was established by a separate Act of Congress, sometimes individually and at other times in large groups spread across the nation. Large omnibus wilderness acts, establishing multiple wilderness areas for particular states, were also passed by the Congress, such as those for California and Washington, but such was not the case for the states comprising Region One. This was due in part to the fact that many of the proposed wilderness areas and remaining Primitive Areas held potential mineral resources that state congressional delegations wanted to have potential wilderness areas thoroughly investigated by the U.S. Geological Survey before taking action. In the administrative history under each national forest in the Regional Chapters, when a wilderness was established after the 1964 Wilderness Act, that public law will be listed under that particular forest or forests where it was created. For instance, in 1972, Congress established the Scapegoat Wilderness using land from the Helena, Lewis & Clark, and the Lolo National Forests. Information on that public law will be found under all three forests.

Congressional designations of certain portions of rivers within the national forests as parts of the National Wild and Scenic River System and special areas established by congressional action as National Recreation Areas and as parts of the National Trails System (both Scenic and Historic Trails) will be noted in the same way, namely, by referencing the change in status under each forest affected. Also noted are laws that enlarged existing wilderness areas.

## **VI. National Grasslands**

The story of the National Grasslands administered by the United States Forest Service began during the great depression when the federal government, under the National Industrial Act of 1933 (48 Stat. 195), the Agricultural Adjustment Act of 1933 (48 Stat. 31) and the Emergency Relief Appropriations Act of 1935 (49 Stat. 115), purchased thousands of acres of failing and uneconomical farms in grassland areas and retired them from cultivation. Later, the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522) authorized the Secretary of Agriculture to develop a program of land conservation and land utilization "to correct maladjustments in land use." Bankhead-Jones led to the acquisition of private submarginal agricultural lands not primarily suitable for agriculture and became in effect the enabling legislation for creating national grasslands, which ultimately added millions of acres to the National Forest System. The purchased lands were called Land Utilization (LU) projects or Land Adjustment Demonstration Projects, or Submerged Land Projects and between 1933 and 1946, there were some 250 projects on 11.3 million acres in 45 states with a cumulative cost to the federal government of about \$4.40 per acre. Approximately five and a half million of these acres were in the Great Plains, including more than three-quarters of a million acres in the Dust Bowl areas of the 1930s. Another 1.5 million acres were in the Eastern States, primarily the Southeast, and the remainder in the far West. The Department of Agriculture's Resettlement Administration first administered the projects and, at the same time, helped farm families find new opportunities and livelihoods in other areas. By 1937 responsibility for these lands passed from the Resettlement Administration to the Farm Security Administration. In 1938, the lands were again transferred, this time to the Soil Conservation Service, the agency which began the process of rehabilitation of the purchased lands by planting pasture grass, restricting grazing on virgin rangeland, and building flood control structures. The federal government, acting with grazing associations and Soil Conservation Districts, managed the grasslands in the most efficient manner possible and all worked together to improve the range in every respect.

With a Secretary of Agriculture Administrative Order dated December 24, 1953 (effective January 1, 1954), the administration of 7,278,800 acres of Land Utilization (LU) lands in 82 projects passed to the Forest Service, although before this date, 40 LU Projects totaling 1,523,400 acres had been transferred to the national forests either by executive order or congressional action. But after 1954, the Forest Service was given the responsibility to act as an interim manager of all LU Projects until such time as a plan to dispose of the lands was developed. From the beginning of deposition program until 1958, the Department of Agriculture had transferred title to about six million acres to states and to colleges around the country or to other agencies of the federal government. For instance, in fiscal year 1958, over two million acres were transferred to the Bureau of Land Management and the Fish and Wildlife Service, agencies of the Department of the Interior, in Montana, New Mexico, Texas, and California, while the states of North Carolina and Texas agreed to purchase a total of 128,193 acres from the federal government. Also, between 1954 and 1962, 40 LU projects were assigned to the Forest Service totaling about 1,460,000 acres had been permanently incorporated into 28 national forests. Four new national forests were formed from six land utilization projects, namely the Tuskegee in Alabama, the Oconee in Georgia, the Tombigbee in Mississippi, and the St. Francis in Arkansas. The remaining 34 LU projects were added to 24 existing National Forests such as the Caney Ranger District added to the Kisatchie National Forest in Louisiana.



On June 20, 1960, the Secretary of Agriculture issued a notice in the *Federal Register* (25 FR 5845) designating 3,804,000 acres, or 22 former land utilization projects, as National Grasslands, giving permanent status to these public lands as part of the National Forest system. By order of the Chief of the Forest Service, dated March 16, 1961 (26 FR 2467) the National Grasslands were grouped into eighteen administrative units and given locally significant names derived from topographic features, Indian nations, and historical associations. The Forest Service has continually worked to integrate the national grasslands and their personnel into one national system. Helping this effort is the fact that the Forest Service administers the national grasslands with the same ethic of multiple-use management as it does with the national forests. The Forest Service has sought to promote stable grassland agriculture, a stronger economy at the local and national level, and the wise use of the national grasslands' many resources, which include outdoor recreation and wildlife conservation. Former Land Utilization Project TX-24 became the McClellan Creek National Grassland in FY 1962, making for a total of 19 National Grasslands in the system. Today, there are 20 National Grasslands, the most recent being the Butte Valley National Grassland (formerly Land Utilization Project CF-22) in Northern California, dedicated in 1991. The Midewin National Tallgrass Prairie in Illinois, established in 1996, is a 19,000-acre parcel that is being restored from the lands of the former Joliet Army Ammunition Plant, located southwest of Chicago. It was not part of the 1930s land purchase program and is not considered national grassland.

## **VII. National Forest Reservation Commission, 1911-1976: Purchase Units, Forest Receipts, and the Land and Water Conservation Fund**

### **A. The Weeks Law and its amendments**

The Weeks Law of 1911 (36 Stat. 961) authorized the Secretary of Agriculture to cooperate with states in the conservation of forestlands and thereby protect the watersheds of navigable streams. The law also established a National Forest Reservation Commission to be the deliberative and governing body over a land acquisition program that allowed the federal government to purchase private lands at the headwaters of navigable streams as recommended for purchase by the Secretary of Agriculture. The Commission members consisted of the Secretaries of War (later Defense) Agriculture, and the Interior, two U.S. Senators and two U.S. Representatives. Before purchase areas or units could be established in any state, that state's legislature had to approve and the governor sign an act of consent, or enabling act, which could, but not necessarily, limit the purchase unit by acreage or by location, as determined by the state itself. In the early years, purchase units were created by the Commission in the White Mountains of New Hampshire and Maine and along the backbone of the Appalachian Mountains from West Virginia to Alabama. A new District 7 of the Forest Service to manage the new and growing purchase units was organized in 1914, later to be known as the Eastern District. The Weeks Law's Section 11 authorized the Secretary of Agriculture to "...divide the lands acquired under this Act into such specific national forests and so designate the same as he may deem best for administrative purposes."

By the summer of 1918, there were five proclaimed national forests in the east that originated as purchase units: the Pisgah National Forest, the first purchase unit to make the transition to national forest status on October 17, 1916, followed by the Alabama National Forest, January 15, 1918, and on May 16, 1918, the White Mountain National Forest of New Hampshire and Maine and Shenandoah and Natural Bridge National Forests of Virginia were proclaimed. Several others would follow these five in the next decade. As to the management and the boundaries of the purchase units compared with those of the national forests, the Forester, Henry S. Graves, wrote in his annual report for 1918 that,

"All the Purchase Areas, however, are now under a form of administration identical with that of the National Forests...The Purchase Areas comprise (1) lands title to which has actually passed to the Government, amounting at the close of the year [June 30, 1918] to 1,132,792 acres; (2) lands approved for purchase by the National Forest Reservation Commission and under process of acquisition, amounting to 509,011 acres; and (3) private lands which may or may not eventually be approved for purchase, amounting, as the boundaries are now drawn to 4,646,435 acres. The boundaries of the Purchase Areas, however, are not strictly comparable with those of the western National Forests, which are fixed by presidential proclamation. They are tentative limits within which the commission will consider making purchases and may be modified at any time, and at present include much more private land than public."<sup>72</sup>

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<sup>72</sup> Henry S. Graves, *Report of the Forester, 1918*, (Washington: Government Printing Office, 1918), p. 5.

Even though new national forests created from lands acquired under the Weeks Law with boundaries fixed by presidential proclamation, the purchase unit on whose lands the new national forest was based did not disappear. Land acquisition within the purchase unit and within the new national forest continued. Purchase Unit boundaries could coincide with the proclaimed forest exactly or run outside of them as determined and ordered by the National Forest Reservation Commission. In a few cases when land acquired in two or more purchase units were proclaimed a single national forest, the purchase units continued as separate administrative entities. For efficient administration, these separate purchase units were later merged under the name of the national forest. For instance, the Shenandoah National Forest was proclaimed in 1918 and was made up of land purchased under the Potomac, Massanutten, and Shenandoah Purchase Units. All three units continued to be administered separately, but later were combined into one unit in January 1927 under the name of the national forest, the Shenandoah Purchase Unit. In 1936 the National Forest Reservation Commission made a concerted effort to have purchase unit boundaries coincide with the boundaries of the proclaimed national forest.

The Clarke-McNary Act of June 7, 1924, (43 Stat. 653) provided another legal justification for the federal purchase of private forest lands. In addition to the protection of navigable streams found in the Weeks Law of 1911, the 1924 law added timber production as a legitimate goal of forestland purchases. Other provisions of the Clarke-McNary Act included a broadening of cooperation with states on fire suppression, forest research and husbandry, the study of tax laws affecting forest land, and Section 8 of the law permitted the transfer of public domain lands chiefly valuable for streamflow protection and timber production to the national forests upon the advice of the National Forest Reservation Commission. Once the Commission recommended certain public lands added to the national forests and the Department of the Interior gave its consent, Congress still had to pass laws permitting the addition as the Fulton Amendment of 1907 still applied. Large additions of public land were made to the Missoula (later the Lolo) National Forest in Region 1, to the Shoshone and Hayden National Forests in Region 2, and to the Challis, Idaho, Payette, Sawtooth and Wyoming National Forests in Region 4 during the mid-1920s. The authorization of 8 million dollars to purchase land under the Weeks and Clarke-McNary Laws for the period of 1929 to 1931 in the McNary – Woodruff Act of April 30, 1928 (45 Stat. 468) provided a significant boost to the National Forest System's purchase program and led to the establishment of the Lakes States District in 1929 to administer the several new purchase units in Minnesota, Michigan, and Wisconsin.

The Exchange Act of March 3, 1925 (Public Law 68-591, 43 Stat. 1215) amended Section 7 of the Weeks Law to permit land exchanges or exchanges of timber on federal land for private land upon the recommendation of the Secretary of Agriculture and with the approval of the National Forest Reservation Commission within purchase units. Like other exchange acts, the goal of the 1925 law was to consolidate national forest lands for more efficient and economical administration. These exchanges were called "Weeks Law Exchanges" and gave added authority and responsibility to the National Forest Reservation Commission.

The advent of the New Deal exponentially expanded the forest land purchase program of the National Forest Reservation Commission and dwarfed the achievements of the previous 20 years. During the Depression era, President Franklin Roosevelt and the Congress appropriated large amounts of money for various emergency relief programs. Many millions of dollars were given to the National Forest Reservation Commission to use to purchase burnt over or otherwise damaged forestlands. There was a need at the beginning of the New Deal to provide land and work for the Civilian Conservation Corps that argued in favor of increased funding for the Commission's land purchases. In December 1934, an additional 10 million dollars was made available for purchase of forestlands under the Emergency Conservation Act of March 1933. Purchase Units established by the National Forest Reservation Commission increased in number and in size and the total number of acres purchased swelled. In fiscal year 1935 alone, the Forest Service purchased 2,027,926 acres, compared to the 5,147,567 acres acquired under the Weeks Law from its beginning in 1911 to 1934. By June of 1940, 17,027,545 acres had been acquired in less than 30 years of Weeks Law administration. Of this acquired land, 12,494,847 acres had been purchased since June of 1933.<sup>73</sup> The cash paid for the lands helped local economies while the additional federal lands offered more opportunity for emergency employment in reforestation, stream restoration, erosion control, and recreation projects.

Annual appropriations made by Congress to the National Forest Reservation Commission went to purchase land under the authority of the Weeks Law of 1911 and its amendments. Because the emergency funds provided by Congress and the Roosevelt administration under the Emergency Conservation Act at the beginning of the Depression were not specifically provided by Congress to be spent under the authority of the 1911 law, some of the money was used to purchase lands not for the protection of watersheds or for timber production, but for recreational purposes alone. Perhaps the most important example of this occurred in the Kings River Canyon area in 1935. The state of California had authorized the construction of a state highway into Kings Canyon in 1935 and 320 acres held by four landowners in the canyon sought to capitalize on the new road

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<sup>73</sup> Acreage statistics from the *Annual Reports*, of the National Forest Reservation Commission, 1913-1942.

by developing plans for an extensive resort and recreation area. On March 7, 1935 the Commission authorized the Forest Service to enter into negotiations with the landowners for the purchase of the land, an action that established the Sequoia National Forest Purchase Unit, the first such unit west of the Great Plains. Secretary of the Interior and Commission member Harold Ickes did not want to see private development in Kings Canyon and strongly advocated for the purchase of the entire 320 acres to insure that the recreational possibilities in the canyon would proceed in an orderly manner and in conformity with the best interests of the public.<sup>74</sup> On June 30, 1935, the Commission authorized the purchase of 200 acres from two of the four landowners in the canyon. At its May 26, 1936 meeting, another 62 acres were purchased in the canyon at the extraordinary price of \$758.00 per acre from the Yosemite Park & Curry Company. The average per acre prices paid by the Commission at the time hovered around \$6.00. Secretary of Agriculture, Henry Wallace, went on record at a meeting of the Commission as saying that this purchase of recreation land should not set a precedent and the land was being purchased for its own unique value. The area later became the featured part of the Kings Canyon National Park upon the park's establishment in 1940. Congress officially endorsed the purchase of private lands for outdoor recreation purposes with the passage of the Land and Water Conservation Act of 1965.

### **B. Forest Receipts Acts and Boundary Waters Canoe Area Purchases**

The threat of floods and soil erosion in the West prompted the Congress to pass several laws authorizing the use of forest receipts obtained from the sale of forest resources on a particular forest for land purchases on that forest. These were the "Forest Receipts Acts," a number of which were approved by the Congress and the president between 1935 and 1940. These acts provided for an annual appropriation from forest receipts to purchase lands that could then be managed to mitigate the threat and the effects of floods and soil erosion on the forest where the receipts were obtained. The National Forest Reservation Commission was assigned the task to decide which lands would be purchased with the funds once appropriated by Congress. Forest Receipt laws were passed affecting several forests in the Intermountain Region, namely the Uinta, the Wasatch, the Cache, and the Nevada (later parts of the Humboldt and Toiyabe) National Forests. Land acquisition on these forests enjoyed the support of all Commission members and purchases in these forests of Utah and Nevada were begun almost immediately after the passage of their particular Forest Receipt Acts.

It was a different story for the forests of southern California. The Santa Ana Flood of February 4<sup>th</sup> through the 7<sup>th</sup> in 1937 and the Los Angeles Flood generated by two separate storms hitting the area from February 27 through March 2, 1938, both brought devastation to the southland. In both events, Riverside County suffered the brunt of the storms. This disaster led to the passage on June 15, 1938 of Public Law 75-634 (52 Stat. 699) a Forest Receipts Act to purchase land in and adjacent to the San Bernardino and Cleveland National Forests in Riverside County in order to bring vulnerable mountain slopes and stream valleys under a management regimen that would minimize soil erosion and flood damage. A similar special law covering the entire Cleveland National Forest (Public Law 76-589, 54 Stat. 297) and for the Angeles National Forest (Public Law 76-591, 54 Stat. 299) were passed on June 11, 1940. The Sequoia National Forest was likewise covered in its own law for the same purposes as those for the forests of southern California on June 17, 1940 (Public Law 76-637, 54 Stat. 402). This made the Sequoia National Forest both a purchase unit as well as a Forest Receipts Act forest. However, with these land acquisition laws firmly in place, Secretary of the Interior and Commission member Harold Ickes refused to support any land purchases under these laws, with the single exception of those on the Sequoia National Forest. Secretary Ickes strongly believed that no tree would ever grow on any of the lands proposed for purchase south of the Tehachapi Mountains. He stood firm in his opposition despite all assertions by other Commission members and Forest Service staff that these laws were duly passed by the Congress for flood protection and prevention of soil erosion, not necessarily for timber production. Secretary Ickes would have to leave office in February 1946 before any real progress could be made in land acquisition in the forests of southern California under the Forest Receipts Acts.

In a category of land acquisition programs all its own, the Congress passed the Thye-Blatnick Act on June 22, 1948 (Public Law 80- 733), which appropriated funds for the purchase of private holdings within the Boundary Waters Canoe Area of the Superior National Forest in Minnesota. From 1948 to 1976, the National Forest Reservation Commission acquired 22,824 acres of private lands within the wilderness at a cost of 4.25 million dollars in order to preserve, undeveloped, the wilderness canoe area. Most private landowners were willing sellers, but the 1948 law allowed the government to initiate condemnation proceedings and several properties were acquired in this confrontational manner. The law set a precedent for the federal government to purchase private land purely to preserve the land's recreational and wilderness values a concept later expressed

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<sup>74</sup> Minutes of the National Forest Reservation Commission, Meetings of March 7, 1935, June 30, 1935, and May 26, 1936, Record Group 95.2.3, "Records of the National Forest Reservation Commission, 1911-1975."

in the Land and Water Conservation Act of 1965. Under all Forest Receipts Acts and the Thye-Blatnick Act, by 1976, the National Forest Reservation Commission had purchased approximately 240,000 acres at a cost of 7.5 million dollars. The various Forest Receipts Acts remain in force today with Congress authorizing the use of forest receipts for land acquisition for the specified national forests in California, Nevada, and Utah.

### **C. Land and Water Conservation Act of 1965**

Increased public pressure on the public lands for recreation led Congress to pass a land acquisition law that would enable state and federal governments to expand outdoor recreation opportunities. The Land and Water Conservation Act of 1965 established a special fund in the U.S. Treasury to assist in preserving, developing, and assuring accessibility to outdoor recreation resources through a land acquisition program. In the case of the Forest Service, the Act authorized the purchase private lands within the boundaries of established national forests, wilderness areas, and purchase units approved by the National Forest Reservation Commission. Purchases could also be made outside the boundaries of the national forests of up to 500 acres in the case of any one forest, which would comprise an integral part of a forest recreational land purchase. An additional provision in the law limited Forest Service land acquisition west of the 100<sup>th</sup> Meridian to 15% of the total land acquired using the Land and Water Conservation funds. Thus, most of the acreage purchased under this program was on eastern national forests, precisely where the majority of the national forest purchase units had already been established. Generally, recreation lands purchased under the act would by their nature be high-value properties and, with a few exceptions, such as the Sylvania Tract purchase on the Ottawa National Forest, would not embrace extensive areas.

Many new purchase units were created in order for land purchases to go forward under the authority of the Weeks Law using the Land and Water Conservation Fund. Land acquisition using the fund were readily made in national forests in the east where purchase units had already been established. But in cases where national forests were proclaimed from lands acquired by the U.S. Government pursuant to the authority of the National Industrial Recovery Act of June 16, 1933, the Emergency Relief Appropriations Act of April 8, 1935, and Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, the National Forest Reservation Commission had to first formally establish a purchase unit. New purchase units were created for the Tombigbee in Mississippi, the St. Francis in Arkansas, and units of the Caney Ranger District of the Kisatchie National Forest in Louisiana before land purchases could be made. And in a singular move, on September 16, 1971, the National Forest Reservation Commission reversed its April 17, 1956 decision to reduce the Manistee National Forest Purchase unit and restored all lands eliminated by the 1956 action. The Commission determined that the lands eliminated in 1956 included prime recreational areas that should now be purchased using the Land and Water Conservation Fund.

The same was true for the national forests in the West that had not had purchase units previously established. Typically, in the West, the National Forest Reservation Commission would be presented with a request to purchase a specific tract of land under the Land and Water Conservation Fund with a simultaneous request to create a new purchase unit for the area. In the case of the Northern, the Southwestern, the California, and the Pacific Northwest Regions, purchase units were named for the entire forest, whether there were multiple purchases within that national forest or only one. In the Rocky Mountain and the Intermountain Regions, purchase units were individually created and named either for the area or for the private land owner and not for the entire forest, such as the Summit Construction Purchase Unit on the Black Hills National Forest in Region 2 or the Hidden Valley Ranches on the Salmon and Challis National Forests in Region 4. Many of these new purchased units were strictly single, limited-purpose units focused on one tract of land at a time. None appeared outlined or named on Forest Service maps.

According to the last annual report issued by the National Forest Reservation Commission, fiscal year 1975 ending June 30, 1975, over \$226 million dollars had been expended by the Commission on purchasing lands for recreation under the Land and Water Conservation Fund by the Forest Service alone since 1965. That figure compares to \$114 million dollars spent since 1911 on purchases under the Weeks Law. The report does not provide the acreage purchased under each law separately.<sup>75</sup> The Land and Water Conservation Act was extended for another 25 years in 1990 and expired in 2015. The legal authorization of the LWCF expired on Sunday, September 30, 2018. The Land and Water Conservation Fund was permanently reauthorized as part of the bipartisan John D. Dingell, Jr. Conservation, Management, and Recreation Act, signed into law on March 12, 2019. More research is needed to discover the full extent of the LWCF purchase program after June 1975 when the National Forest Reservation Commission was dissolved and thus ended its role as the organization that administered the LWCF on behalf of the Forest Service.

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<sup>75</sup> National Forest Reservation Commission, *Annual Report...for the Fiscal Year ended June 30, 1975*, (Washington, Government Printing Office, 1976), p. 4.



The National Forest Management Act of 1976 (Public Law 94-588, 90 Stat. 2949) repealed sections 4 and 5 of the 1911 Weeks Law and transferred all functions of the National Forest Reservation Commission to the Secretary of Agriculture. It also prohibited the Secretary to enter into any agreement to purchase or exchange land valued over \$25,000 without first submitting a report of the purchase or exchange to the relevant committees in Congress. The practice of establishing purchase units continues. Over its 65-year history, the National Forest Reservation Commission, executing the Weeks Law and its amendments together with other laws such as the Land and Water Conservation Act, acquired nearly 21 million acres of forestland, that are now administered by the National Forest System.

### VIII. Emergency Relief Purchases

Out of the environmental and economic tragedy of the accumulated effects of poor farming practices, the Dust Bowl, and the low commodity prices of the Depression era, arose several New Deal programs aimed at helping both the land and the destitute farmers recover from the disasters of the 1930s. This effort reflected the “bold, persistent experimentation”<sup>76</sup> plan of action embraced by the Franklin Roosevelt administration to address the ills of the Great Depression. “New Deal programs for the rural poor began with the Division of Subsistence Homesteads (1933-1934), then changed to the Rural Rehabilitation Division (1934-1935), then the Resettlement Administration (1935-1937), and finally the Farmers’ Home Administration (1937-1994).”<sup>77</sup> During 1934 and into 1935, the Forest Service prepared detailed economic and population studies for over 40 possible resettlement projects. The units studied were 100,000 to 500,000 acres in size, including national forest and adjoining lands, each unit constituting a community of shared economic and social interests. The objective was to determine the need and feasibility of resettlement and rehabilitation projects on the national forests. These studies were turned over to the Resettlement Administration for consideration. Initially then, the Forest Service conceived of resettlement projects that considered all aspects of the poor, the unemployed, and otherwise disadvantaged population of large economically and socially cohesive units, including national forests and to rehabilitate the entire unit, not just resettle the population.<sup>78</sup> Executive Order 7027 that created the Resettlement Administration on May 1, 1935 also embraced this comprehensive planning idea. Its objectives were to, 1) resettle destitute families from both rural and urban areas; 2) initiate conservation projects for soil, erosion and flood control, and reforestation; 3) lend money to help farmers purchase lands or equipment; and finally 4) authorize the Resettlement Administration to acquire through purchase or eminent domain, farms, ranches, or timber lands which could be sold off or transferred to other government agencies. Also, as has been previously mentioned, the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522) also authorized the Secretary of Agriculture to develop a program of land conservation and also carried appropriations for land purchases.

The Chief of the Forest Service, Ferdinand A. Silcox wrote in his report covering fiscal year 1937,

“The former Resettlement Administration had planned eventually to turn certain of its acquired lands over to the Forest Service for administration as parts of national forests. Informal agreement was reached, legal and procedural questions are now being worked out, and transfer may be expected of lands which can most effectively and economically be administered as parts of the national forest system.”<sup>79</sup>

For economy of administration, the President approved transfer of 262,379 acres, formerly managed by the Resettlement Administration and its successors, to national forest status during fiscal year 1939 and during the same year, the Secretary of Agriculture assigned 314,980 acres acquired under various New Deal programs to the Forest Service for protection and management, most of which were later added to the national forests.<sup>80</sup>

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<sup>76</sup> Franklin D. Roosevelt, *Address at Oglethorpe University, May 22, 1932*, reprinted in *The Public Papers and Addresses of Franklin D. Roosevelt, Volume 1, 1928-1932*, (New York: Random House, 1938), p. 639.

<sup>77</sup> Ward Tonsfeldt, *Celebrating the Siuslaw: A Century of Growth*, (Washington, Government Printing Office, 2010), p.135.

<sup>78</sup> Ferdinand A. Silcox, *Report of the Chief of the Forest Service, 1935*, (Washington: Government Printing Office, 1935) p. 7-8.

<sup>79</sup> Ferdinand A. Silcox, *Report of the Chief of the Forest Service, 1937*, (Washington: Government Printing Office, 1937), p. 15.

<sup>80</sup> Ferdinand A. Silcox, *Report of the Chief of the Forest Service, 1939*, (Washington: Government Printing Office, 1939), p.35.

A land acquisition project administered by the Resettlement Administration in 1930s acquired private lands located in the Selkirk Mountains between the Colville and Pend Oreille Rivers in Washington State. The project, named the Northeastern Washington Scattered Settlers' Project was authorized under the National Industrial Recovery Act of June 16, 1933 (48 Stat. 195), the Emergency Relief Appropriations Act of April 8, 1935 (49 Stat. 115), and the Bankhead-Jones Farm Tenant Act of July 22, 1937 (50 Stat. 522). Each of these laws authorized the purchase of derelict lands and for the resettlement of their occupants. These lands in Pend Oreille and Stevens Counties, Washington, were turned over the Soil Conservation Service in 1936, whereupon the area was renamed the Northeast Washington Land Utilization Project. But because the SCS lacked fire protection capabilities, Project lands were assigned to the Forest Service for administration. About 40,000 acres of project lands were allocated to the Department of Agriculture's Biological Survey in the spring of 1938. The Forest Service acquired 314,000 acres within the Northeastern Washington Land-Utilization Project on August 10, 1939 under an act of Congress (53 Stat. 1347). The lands were added to the Kaniksu National Forest's Colville and Newport Ranger Districts. The lands that were not added to the Kaniksu National Forest later became the Little Pend Oreille National Wildlife Refuge administered since 1940 by the U.S. Fish and Wildlife Service. Since 1964, the Forest Service has listed the Northeast Washington Land Utilization Project (WA-2) in its directory, first at 520 acres, then, by 1983, at 738 acres. Listed today is a 325-acre unit headquartered in Colville, Washington (Pacific Northwest Region) and a 240-acre unit headquartered in Coeur d'Alene, Idaho (Northern Region). Both units are located in Washington within Region One, but neither one of these fairly small areas is identified on the maps of the Colville or Kaniksu National Forests issued between 1964 and the present.

The 1930s Depression-era land acquisition and resettlement programs carried a greater importance and significance for the administrative histories of national forests in the areas east of the Rocky Mountains than in the West. This was due to the large number of distressed small farmers, small woodlot owners, and timber companies in or near marginal areas in the central, eastern, and southern United States. However, these federal programs did touch upon the forests of the Pacific Northwest and in the Dakota grasslands.

## **IX. Modern Consolidations, World War II to the Present**

In 1948, the North Pacific Region (Region 6) combined the administrative functions of the Wallowa and the Whitman National Forests under one forest supervisor, the first such combination that took place without the issuance of a formal legal instrument, such as a law, proclamation, or order. These two "proclaimed" forests, as they are called, remained legally separate, but with a single administrative staff, one headquarters location, under a single supervisor. In maps and in Forest Service publications, this new unit was referred to as the Wallowa-Whitman National Forests – plural. This subtle separation lasted until 1963 when the forest became in name as it was in reality the "Wallowa-Whitman National Forest." These modern consolidations are not recorded in any readily available public documents because they are accomplished without the issuance of a formal legal instrument, as had previously been the case. The result has been ever-longer listing of "Proclaimed Forests" having their administrative functions consolidated under hyphenated forest names. The administrative combinations do not affect the Proclamations that established them, nor the other formal actions that have changed forest boundaries or names, or created wilderness, primitive, and recreation areas. Creating hyphenated forests is purely an administrative combination for efficiency and to reduce costs. In the annual *Land Areas of the National Forest System*, issued by the Forest Service, hyphenated forests are listed separately and not as single units.

The precedent for grouping proclaimed forests for the purposes of economic administration can be found in the 1930s when former purchase units and lands acquired under the various relief programs of the New Deal became national forests. On the same day, October 13, 1936, four purchase units in Texas were proclaimed national forests by President Franklin D. Roosevelt and later that year, the four new national forests were then grouped together by the Forest Service as the *National Forests in Texas* with headquarters in Houston, moving shortly thereafter to Lufkin, Texas. All four forests, the Angelina, Davy Crockett, Sabine, and Sam Houston, never very large, took on aspects of ranger districts under the larger unit, but remained separate in several ways. For instance, each proclaimed forest distributes forest receipts under law only to the counties where the forest is located. Today the "National Forests and Grasslands in Texas" includes the four proclaimed forests listed above, the Lyndon B. Johnson National Grassland, and a research station. Similar administrative mergers of separately proclaimed national forests occurred in the states of Alabama, Florida, Mississippi, Missouri, and North and South Carolina from the 1930s through the present. The arrangement suited the Forest Service's desire for efficiency and satisfied county administrators who did not have to share forest receipts from their local forest with other counties in the state that might not have been as fortunate to have large stands of mature timber on their own local national forests.

Perhaps a rationale for supporting the Forest Service's continued use of the hyphenated forest as an economic measure might be found in an incident that occurred in Utah on the Intermountain Region. By the mid-1940s, the smallest national forest in

Region 4 was the La Sal in southeastern Utah and adjoining lands in Colorado. Forest consolidations had been mandated from Washington at this time and staff at headquarters in Ogden had thought about merging the La Sal first with the Uinta National Forest and then with the Manti National Forest. Ultimately, the decision was made to transfer the La Sal to the Manti. The Secretary of the Interior issued Public Land Order No. 618 on November 28, 1949 and made effective retroactively to July 1, 1949, adding the lands of the La Sal National Forest to the Manti National Forest. Following custom, after the merger, the name, La Sal, was discontinued. But the people of southeastern Utah, who were quite proud of the stunningly beautiful La Sal Mountains that gave their name to the local national forest, objected to the disappearance of the name La Sal, which had been used for the mountain range since the eighteenth century. The Forest Service, sensitive to public opinion, issued another Public Land Order, no. 667 on August 28, 1950 formally changing the name of the newly enlarged Manti National Forest to the Manti-La Sal National Forest, preserving both names. This is the only hyphenated forest in existence that has been created through a formal federal government order. The Forest Service had discovered that people close to their federal forest had a great affection for indigenous names and held their local forest name in high esteem. It appeared that local citizens would not want forest names to disappear altogether. Administrative consolidations would continue but not at the expense of losing established “proclaimed” names, with only a few exceptions. In Arthur Carhart’s words, “administrative executions”<sup>81</sup> would become the exception now and not the rule.

The other side of the move to unite two separately proclaimed National Forests under one supervisor with a hyphen occurred in Alaska in 1950 when the Forest Service created two administrative units within one proclaimed National Forest, each with its own supervisor. In that year, the 17 million-acre Tongass National Forest was divided into two divisions, the Admiralty Division with headquarters in Juneau and the Southern Division headquartered in Ketchikan. By 1962, the Admiralty Division had changed its name to simply the Northern Tongass and its counterpart, to Southern Tongass.

The Chief of the Forest Service, Richard E. McArdle justified forest consolidations in his annual report for 1955:

“In the interest of more effective and economical administration of the national forests and service to the people dependent upon them, several consolidations were made during 1955. Better transportation and communication systems are two of the many factors which make it possible to consolidate units without sacrificing service to national forest users.”<sup>82</sup>

Chief McArdle moved on to describe the consolidations of the Harney with the Black Hills National Forest and discontinuing the Harney name, the elimination of the Cabinet National Forest by distributing its lands to the Kaniksu, Kootenai, and Lolo National Forests, the renaming of the Chelan to the Okanogan National Forest, and the return of the Bellevue-Savanna National Forest in Illinois to the Army, but he did not take advantage of the opportunity provided by his own report to explain the administrative mergers of two proclaimed national forests as in the case of the Shasta-Trinity in California that also occurred in 1954.

Together with administratively combining forests, there is also the trend for the Forest Service to administer one forest’s lands by another. When the three national forests of the Idaho Panhandle merged, the Montana lands of the Kaniksu National Forest were handed to its neighbor, the Kootenai National Forest to administer. Likewise, the Colville National Forest was given the task of administering the Kaniksu’s lands in Washington State, even though the Colville had just been made a part of Region 6. It is a pattern that is repeated all over the National Forest System. Instead of legally transferring these lands to the forest that actually manages them, these lands are simply turned over to adjacent forests to administer in the proclaimed forest’s name. Administrative consolidations over time have reduced the number of Ranger Districts within individual national forests as well.<sup>83</sup> In addition, for matters of efficiency and economy, the Forest Service at times administers adjacent Bureau of Land Management lands. This kind of administrative arrangement leads to confusing maps and mental conceptions of the geographic extent of individual federal forests and it gives credibility to the notion that, in time, all federal public land will eventually be administered by one agency.

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<sup>81</sup> Arthur H. Carhart, *The National Forests*, New York: Knopf, 1959, page 9.

<sup>82</sup> Richard E. McArdle, *Report of the Chief of the Forest Service, 1955*. (Washington: Government Printing Office, 1955, p. 14.

<sup>83</sup> See Richard E. McArdle, *Report of the Chief of the Forest Service, 1958*, (Washington: Government Printing Office, 1959), p 24 where the Chief reports on a 1958 study to determine the proper size of ranger districts, where policies were developed for establishing, dividing, and combining ranger districts to improve administration.

The acquisition, disposal, and exchange of national forest lands was radically changed by the National Forest Management Act of 1976 (PL 94-588, 90 Stat. 2949). This law amended the Forest and Rangeland Renewable Resources Planning Act of 1974 that directed the Forest Service to protect, develop, and enhance the productivity and other values through long-range planning to ensure the future supply of forest resources while maintaining a quality environment. The 1976 law, among many other provisions, declared that no land reserved or withdrawn from the public domain as national forests shall be returned to the public domain except by an act of Congress. Presidential executive orders, proclamations, and Public Land Orders could no longer serve as vehicles for alienating national forest land. In fact, Public Land Order 5608 granting two small home sites on the Chugach National Forest was revoked as the PLO was issued after the October 22, 1976 passage of the National Forest Management Act. Therefore, after this date, land and boundary changes were almost entirely affected by act of Congress as evidenced in the Regional Chapters under the administrative history of each of the present-day national forests.

The 1976 law also transferred the duties and responsibilities of the National Forest Reservation Commission established under the Weeks Law of 1911 to the Secretary of Agriculture, who was required to report all land acquisition activities to congressional committees having oversight responsibilities for the Forest Service before the particular land purchase or exchange could take place. Land exchanges for the purpose of land ownership consolidations has long been a Forest Service objective, but beginning in the 1970s and beyond, the number of acres exchanged has diminished in the face of strong public objections. Public concern with land exchanges emphasized the social and economic impact on their historic uses of the public lands that would have to be exchanged to private ownership. The local governments were also concerned with large adjustment proposals when they would adversely affect county revenues resulting from the National Forest land base. Large land exchanges have been made since 1976 only by an act of Congress.

#### **X. Future Trends & Notes Concerning the Administrative Histories of Each Forest.**

A landmark piece of public lands legislation passed both houses of Congress and was signed on March 30, 2009. The “Omnibus Public Land Management Act of 2009” (123 Stat. 991), Public Law 111-11, combined 159 separate bills considered by the Senate Committee on Energy and Natural Resources during the 110<sup>th</sup> and earlier Congresses. The large Democratic majorities in both houses of the 111<sup>th</sup> Congress ensured passage of the law that included many provisions including an expansion of the National Wilderness Preservation System by two million acres and other smaller provisions that could not be administratively achieved at the agency level. These provisions of the act are included here under each affected administrative unit from creating new wilderness areas on the national forests to the transfer of 9.67 acres of Helena National Forest land, known as the Elkhorn Cemetery, to Jefferson County, Montana. After the 111<sup>th</sup> Congress, public lands legislation has been passed in the form of individual laws for individual exchange projects or one-time land transfers to local governments for recreational uses, but not in large omnibus acts. As urban development runs up against the national forests, Congress has transferred national forest land to local governments as in Public Law 113-291 (128 Stat. 3757) of December 19, 2014. This law authorized the conveyance without cost of 100 acres of Wasatch National Forest to the City of Fruit Heights, south of Ogden, Utah for public purposes.

The Land and Water Conservation Fund has consistently been the principal funding method used to acquire land new recreation lands for the Forest Service as well as for land management and recreation agencies in the Department of the Interior. The Forest Service administers a voluntary program called the Forest Legacy Program that provides grants to states for the purchase of conservation easements and acquisition of environmentally sensitive or threatened forest lands.

The Fund has often purchased land acquired by land trusts. Since the abandonment of the National Forest Reservation Commission in 1976, which used to administer the LWCF for the Forest Service, a more streamlined decision-making process has been developed. Once the Congress authorizes LWCF funds for use by the Forest Service and other land management agencies, nominated lands for acquisition are sent from the regional offices to the Land Office headquartered in Washington Office. Selections at the Regional level are ranked using the Strategic Landscape Acquisition Ranking System (SLARS). Nominations are further sorted using a system of national scoring ensuring that selections are competitive and merit based. The Lands Staff in the Washington Office then coordinate the acquisition of the property or the easement selected. The Land and Water Conservation Act of 1965 has been renewed once in 1990 for a second 25-year period and is set to expire in 2015. The legal authorization of the LWCF expired on Sunday, September 30, 2018. The Land and Water Conservation Fund was permanently reauthorized as part of the bipartisan John D. Dingell, Jr. Conservation, Management, and Recreation Act, signed into law on March 12, 2019. It requires at least 40% of funds to be used by federal agencies and at least 40% to be allocated to the states.

Immediately below is a chronology of the laws and decisions affecting the National Forest System. Many of these laws were determining factors shaping the National Forest System and, where applicable, are referred to in the administrative histories of each forest found in the Regional Chapters. Each Regional Chapter reprints the chronology but with the addition of laws and regulations that particularly affected that region. Likewise, the Regional Chapters at times carry special features that address the issue of changing District/Regional boundaries such as the addition of the administrative history of the Kaibab National Forest in the Intermountain Region chapter, since the Kaibab began its story in 1908 as part of District 4 before being transferred to the Southwestern Region.

If a particular forest existed before and after the name change from “Forest Reserve” to “National Forest” on March 4, 1907, both those names are given in the title as they were referred to using both names. Under each forest reserve or national forest, a short description of the unit is provided. There follows in simple chronological order, a listing of the official acts of the President, the Congress, administrative decisions and notices affecting that particular forest. After this administrative history a full listing of the cartographic record of each forest is provided.

## **CHRONOLOGICAL LISTING OF LAWS AND REGULATIONS AFFECTING THE ADMINISTRATIVE HISTORY OF THE NATIONAL FOREST SYSTEM**

President authorized to reserve public land as forest reserves. Also known as the “Creative Act.”

**1891, March 3 (26 Stat. 1095)**

“An Act to repeal timber culture-laws and for other purposes” “Sec. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered in timber or undergrowth, whether of commercial value or not, as public reservations, and that the President shall, by public proclamation, declare the establishment of such reservations, and the limits thereof.” (26 Stat. 1103)

First Forest Reserve proclaimed, the Yellowstone Park Timber Land Reserve.

**1891, March 30 (26 Stat. 1565)**

“Now, therefore, I, Benjamin Harrison, President of the United States by virtue of the power in me vested, do hereby make known and proclaim that there has been and is hereby reserved from entry or settlement and set apart for a public forest reservation all that tract of land situate in the State of Wyoming contained within the following described boundaries.”

“Printing Act of 1895”

**1895, January 12 (28 Stat. 601)**

This law centralized government printing and established an office of the Superintendent of Documents (Section 61) within the Government Printing Office. Principal among the many duties assigned to the newly created office was the responsibility for maintaining a mailing list of depository libraries and the shipping of government documents to these libraries. Other duties of the office included the publication of a comprehensive index of public documents (Section 65) and the publication of a catalog of government publication on the first day of every month, later titled *Monthly Catalog of United States Government Publications*, begun in 1895 (Section 69).

“Washington Birthday Reserves.”

**1897, February 22 Presidential Proclamations (29 Stat. 893-912)**

Thirteen new forest reserves created, effectively withdrawing from settlement or development, 21 million acres in the western United States igniting a furor in the Congress and among western political and civil leaders. This action led to the June 4, 1897 “Organic Act” featured immediately below. Established on the 22<sup>nd</sup> of February 1897 were the Bitter Root, Lewis & Clarke, Flathead, and Priest River Forest Reserves in Montana and Idaho, the Black Hills in South Dakota and Wyoming, the Big Horn and Teton in Wyoming; the Uintah in Utah, the San Jacinto and Stanislaus Forest Reserves in California; and the Mount Rainier, Olympic, and Washington Forest Reserves in Washington State.

The “Organic Act” for federal forestry.

**1897, June 4 (30 Stat. 11, particularly 34)**

“An Act Making appropriates for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight and for other purposes.” The law detailed specific purposes for which forest reserves could be established and provided for the administration and protection of the forest reserves. The U.S. Geological Survey was



authorized to survey, evaluate, and report on the resources of the forest reserves. The President was authorized to modify any past or future “Executive Order” to reduce the land area of a forest reserve, change boundaries, or completely overturn an order creating such a reserve. This law also suspended all thirteen of President Cleveland’s Washington Birthday Reserves proclaimed earlier in 1897 and restored the lands to the public domain. However, it also carried a provision that all such lands included in the forest reserves established by Presidential proclamations on February 22, 1897 not otherwise disposed of before March 1, 1898 became forest reserves as intended by the proclamations. Thus, the effective date of all thirteen Proclamations of the Washington Birthday Reserves became March 1, 1898.

“An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and two.”

**1901, March 2** **(31 Stat., 922, particularly 929)**

Bureau of Forestry established in the Department of Agriculture from the former Division of Forestry, established in 1881.

“An Act Providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture.”

**1905, February 1** **Public Law 58-34 (33 Stat. 628)**

Administration of the forest reserves was transferred from the Department of the Interior to the Department of Agriculture. Also known as the “Transfer Act.” On March 3, 1905, the Agriculture Department’s Bureau of Forestry renamed the U.S. Forest Service effective July 1, 1905 (33 Stat. 861, 872-873).

“An Act for the protection of American Antiquities.”

**1906, June 8** **Public Law 59-209 (34 Stat. 225)**

“The President of the United States is hereby authorized, in his discretion, to declare by public proclamation, historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments...”

“Forest Homestead Act.”

**1906, June 11** **Public Law 59-220 (34 Stat. 233)**

Excepting the forest reserves in southern California, the Secretary of Agriculture was authorized to identify lands in the forest reserves better suited for agriculture and open these lands for entry under the laws of the Homestead Act. Act repealed by the Forest Service Omnibus Act of 1962, (Public Law 87-869, 76 Stat. 1157). Also known as the “June 11<sup>th</sup> Act.”

“Midnight Reserves”

**1907, March 1 & 2** **Presidential Proclamations (34 Stat. 3278 to 3301)**

President Theodore Roosevelt created 17 new forest reserves and made additions to existing forest reserves in the western United States setting aside over 16 million acres before the Fulton Amendment (see below, March 4, 1907) prohibiting new forest reserves in six western states became law.

Forest Reserves renamed National Forests. “An Act Making appropriations to the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.”

**1907, March 4** **Public Law 59-242 (34 Stat. 1256, particularly 1269)**

Under “GENERAL EXPENSE, FOREST SERVICE: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on forestry, forest reserves, which shall be known hereafter as national forests, forest fires, and lumbering:....”

Fulton Amendment (Senator Charles W. Fulton of Oregon) prohibited the President from establishing new national forests or adding land to existing national forests in six western states.

**1907, March 4** **Public Law 59-242 (34 Stat. 1256, particularly 1271)**

“An Act Making appropriations to the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.” The Forest Service appropriation included a condition that “hereafter, no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress.” California was added to this prohibition in 1912 (see below, under June 25, 1910) and Arizona and New Mexico in 1926 (see below June 15, 1926). Montana was exempted from the law July 20, 1939 (see below).

“Twenty-Five Percent *Fund*” established.

**1908, May 23**

**Public Law 60-136 (35 Stat. 260)**

“An Act Making appropriations to the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine.” Under the chapter appropriating funds for the Forest Service the “Twenty-Five Percent Fund” is established. 25% of all money received from each forest shall be paid to the state or territory in which the forest is located for the benefit of public schools and roads in the county or counties in which the national forest is situated.

“Inspection Districts [later Regions] established.

**1908, December 1**

**Action by the Forester**

The Forester, Gifford Pinchot, decentralized the organization of the Forest Service regionally by mandating the creation of six Inspection Districts.

“An Act to authorize the President of the United States to make withdrawals of public lands in certain cases.”

**1910, June 25**

**Public Law 61-303 (36 Stat. 847)**

Authorized the President to make temporary withdrawals of public lands for “water-power sites, irrigation, classification of lands or other public purposes specified in the orders of withdrawal.” Withdrawals were to remain in effect until revoked by either the President or by Congress. The law specifically states “That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress,” thus repeating the restrictions of the Fulton Amendment of March 4, 1907 (see above). The Act was amended by Public Law 62-316 of August 24, 1912 (37 Stat. 497) adding, among other provisions, the State of California to the list of states covered by the Fulton Amendment. This law allowed the President to temporarily withdraw land for classification purposes pending a determination as to the advisability of reserving the land so withdrawn for addition to the national forests, national parks and monuments, Indian Reservations, reservoir sites, and other public purposes. Many Forest Service ranger stations and other administrative sites were located on land withdrawn under this law. Also, land was withdrawn in advance of Congressional action, such as deeding property to cities and states for watershed protection and public parks. In some cases, land was withdrawn to settle land claims or to adjust inaccurate public land surveys.

“Weeks Law.”

**1911, March 1**

**Public Law 61-435 (36 Stat. 961)**

Authorized the Secretary of Agriculture to cooperate with states in the protection of watersheds of navigable streams including fire protection with matching funds. Funds were appropriated for the acquisition of land at the headwaters of navigable streams. Established the National Forest Reservation Commission to be the arbitrator upon such lands recommended for purchase by the Secretary of Agriculture. Such purchased lands were to be administered as national forest lands. By 1914, enough land had been acquired through the Weeks Law that a separate District 7 was established to administer these lands in the eastern United States.

National Park Service established.

**1916, August 25**

**Public Law 64-235 (39 Stat. 535)**

“That there is hereby created in the Department of the Interior a service to be called the National Park Service...”

First National Forest consisting of lands purchased under the Weeks Law proclaimed.

**1916, October 17**

**Proclamation 1349 & 1350 (39 Stat. 1811)**

Lands in North Carolina were designated by the Secretary of Agriculture under section 11 of the Weeks Law of 1911 as the Pisgah National Forest on September 29, 1916. Pisgah National Forest was formally proclaimed a national forest by President Wilson by Proclamation 1349 on October 17, 1916. Pisgah Game Refuge was proclaimed the same day in Proclamation 1350.

“An Act To consolidate national forest lands.”

**1922, March 20**

**Public Law 67-173 (42 Stat. 465)**

By this law, the Secretary of the Interior, acting with the consent of the Secretary of Agriculture, is authorized to exchange land within the exterior boundaries of national forests for private land or timber of equal value. This law is often referred to as the “General Exchange Act” and such exchanges were not subject to the approval of the National Forest Reservation Commission. See below, Public Law 68-513 (43 Stat. 1090) February 28, 1925, for the “Weeks Law Exchange” Act.

First Wilderness established.

**1924, June 3**

**Action by the District Forester**

The first wilderness area was established on the Gila National Forest, New Mexico. Advocated by Aldo Leopold, the establishment of a wilderness in 1924 was a unilateral Forest Service action. Congress officially designated the Gila Wilderness as part of the National Wilderness Preservation System in 1964 (see below under September 3, 1964)

“Clarke-McNary Act.”

**1924, June 7**

**Public Law 68-270 (43 Stat. 653)**

The Secretary of Agriculture was authorized to cooperate more fully with the states to protect forest resources by fire suppression, research, examination of forest tax laws, forest husbandry, and extension services, and most importantly, amended the Weeks Law of 1911 by authorizing the purchase of land for timber production purposes as well as for the protection of rivers and streams used for navigation and for irrigation. This provision effectively extended the acquisition of national forest land to the cut-over areas of the Great Lakes states and low-land southern pineries. The first purchase units proposed after passage of this law were the Tawas (Huron) and Mackinac (Hiawatha) Units on the Michigan National Forest and the Choctawhatchee and Ocala on the Florida National Forest. The Secretary of Agriculture was authorized (Section 7) to accept donations of land from private parties to be included in the national forests and to identify which public lands would be valuable for protection of water supply and timber production and could be economically administered as parts of the national forests. Under Section 9, authorized the Secretary of Agriculture to establish national forests within the boundaries of any Government reservation, except national parks, mineral reservations, Indian Reservations, and national monuments. This led to the creation of many national forests on military reservations in 1924-25.

“Exchange Act of 1925”

**1925, March 3**

**Public Law 68-591 (43 Stat. 1215)**

Amends Section 7 of the Weeks Law to permit land exchanges or exchanges of timber on federal land for private land upon the recommendation of the Secretary of Agriculture and with the approval of the National Forest Reservation Commission in order to beneficially consolidate national forest lands for more efficient and economical administration. These exchanges were called “Weeks Law Exchanges” now authorized for national forest purchase units.

“An Act limiting the creation or extension of forest reserves in New Mexico and Arizona.”

**1926, June 15**

**Public Law 69-392 (44 Stat. 745)**

“No forest reservation shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of New Mexico or Arizona except by Act of Congress.”

“McNary – Woodruff Act.”

**1928, April 30**

**Public Law 70-326 (45 Stat. 468)**

Appropriated 8 million dollars to purchase land under the Weeks and Clarke-McNary Acts during the 1929-1931 fiscal years inclusive. This authorization led to the establishment of the Lakes States District (District 9) to administer land purchases in that District.

“Organization of Executive Agencies.”

**1933, June 10**

**Executive Order No. 6166, Section 2**

Among many other changes, this Executive Order placed all national monuments and military monuments under the jurisdiction of the Department of the Interior, transferring many from the management of the Forest Service and the War Department. These transferred monuments included Mt. Olympus National Monument in Washington State, Gila Cliff Dwellings National Monument in New Mexico, and Lava Beds National Monument in California to name only a few. The Executive Order became effective 61 days after it was issued (Section 22) thus the official transfer of jurisdiction for all national monuments under U.S. Forest Service management occurred on August 10, 1933.

To establish fish and game sanctuaries in the National Forests.

**1934, March 10**

**Public Law 73-120 (48 Stat. 400)**

Authorized the President to establish fish and game sanctuaries within national forests upon the recommendation of the Secretaries of Agriculture and Commerce upon the approval of the state legislature in which the forest was situated.

The “Taylor Grazing Act of 1934.”

**1934, June 28**

**Public Law 73-482 (48 Stat. 1269)**

Authorized, among other actions, the Secretary of the Interior to organize 80 million acres of unreserved public lands into grazing districts. Section 13 allowed the President to reserve, in states where it was permitted to do so, through Executive order, unappropriated public lands within watersheds administered by the national forests, lands more suitable for timber management, and to add those lands to existing national forests, and to transfer existing national forest land to the Department of the Interior, those lands being, in the Secretary’s opinion, more suitable for grazing under the provisions of the Taylor Grazing Act. The Act was amended in 1935 to increase the acreage to be included in grazing districts to 142 million acres, and Executive orders in November 1934 and February 1935 effectively closed the public domain to entry. In 1934, such reservations and transfers were not possible for national forests in the Northern Region due to the Fulton Amendment of March 4, 1907. See below, Public Law 76-199 of July 20, 1939 lifting the Fulton Amendment restrictions on Montana.

Forest Service regulations appear in the *Federal Register*.

**1936, August 15**

**1 Federal Register 1090-1103**

“Regulations of the Secretary of Agriculture Relating to the Protection, Occupancy, Use, and Administration of the National Forests” included the full text of L-20 on “Experimental Forests and Ranges” addressing the establishment of primitive areas (page 1100). Oddly, regulation L-20 has been inadvertently undesignated.

“Bankhead-Jones Farm Tennant Act.”

**1937, July 22**

**Public Law 75-210 (50 Stat. 522)**

Title III of this act “Retirement of sub-marginal Land” ordered the Secretary of Agriculture to develop a program of land conservation and land utilization which led to the acquisition of private unproductive agricultural lands or lands not primarily suitable for agriculture. These lands were later grouped into Land Utilization Projects for each state and in 1954, transferred to the Forest Service for management and disposal. Many were absorbed into existing national forests, later organized into National Grasslands, deeded or sold to states, or used to establish new national forests such as the St. Francis National Forest in Arkansas.

The President was allowed to create new national forest units and make additions to existing national forests in Montana.

**1939, July 20**

**Public Law 76-199 (53 Stat. 1071)**

Allowed the President to add unappropriated public lands to existing national forests or to create new national forests at his discretion by proclamation or executive order that, in his opinion were chiefly valuable for the production of timber and for the protection of watersheds. All previous Acts or parts of Acts in conflict with this [Fulton Amendment] were repealed insofar as they apply to the State of Montana. Land transfers under the Taylor Grazing Act could now occur in the state.

Land use regulations affecting Wilderness, Wild, and other special areas announced and codified.

**1939, September 19**

**4 Federal Register 3994**

Secretary of Agriculture, Henry Wallace, published in the *Federal Register* dated September 20, 1939, proposed land use regulations on the establishment, use, modification, and elimination of Wilderness Areas (Regulation U-1), Wild Areas (Regulation U-2), Recreation Areas (Regulation U-3), Experimental and Natural Areas (Regulation U-4), Public Camp Grounds (Regulation U-5), and Occupancy and Use (Regulation U-6). These later appear in the 1939 supplement to the *Code of Federal Regulations* Chapter 36, Part 2, Section 251.20 through 251.25. Wilderness Areas were defined as areas being over 100,000 acres and Wild Areas were those under 100,000 acres. The first edition of the Code of Federal Regulations issued in 1938 and its supplement did not include regulations on primitive or wilderness areas, perhaps because they were in revision at the time.

“Authorizing the Secretary of the Interior to withdraw and reserve public lands.”

**1942, April 24**

**Executive Order 9146 (7 Federal Register 3067)**

Authorized the Secretary of the Interior to sign all orders withdrawing or reserving public lands and all orders revoking or modifying such orders, provided that such orders had the prior approval of the President’s Budget Office, the Attorney General, were published in the *Federal Register*, and with the advance concurrence of the executive agency concerned. The effect of this order expanded and increased the use of the Public Land Order issued by the Secretary of the Department of the Interior as the instrument for most boundary modifications to the national forests and decreased the reliance on the President’s Executive Orders and official Proclamations.

“Authorizing the Secretary of the Interior to withdraw and reserve lands of the public domain and other lands owned or controlled by the United States.”

**1943, April 23**

**Executive Order 9337 (8 Federal Register 5516)**

A restatement of the delegation of authority to reserve or withdraw public lands from the President to the Secretary of the Interior. Superseded Executive Order 9146 of April 24, 1942, but had the same effect.

“Delegating to the Secretary of the Interior the authority of the President to withdraw or reserve lands of the United States for public purposes.”

**1952, May 26**

**Executive Order 10355 (17 Federal Register 4831)**

A restatement of the delegation of authority to reserve or withdraw public lands from the President to the Secretary of the Interior. Superseded Executive Order 9337 of April 23, 1943, but had the same effect.

“Delegations of Authority and Assignment of Functions” for the U.S. Department of Agriculture.

**1953, December 24**

**Federal Register Notice (19 Federal Register 74-77)**

**(effective January 2, 1954)**

Under “Forest Service” on page 75 of the Notice, in Section 300H, the Forest Service was given the authority for the “Protection, management and administration under Title III of the Bankhead-Jones Farm Tennant Act (7 U.S. C. 1010-1012), of lands under the administration of the Department of Agriculture including the custodianship of lands under loan to states and local agencies, and in Section 301, the Forest Service was given the authority to issue rules and regulations relating to the national forests and other lands administered for national forest purposes and to lands administered under Title III of the Bankhead-Jones Farm Tennant Act. Thus, lands acquired under the Bankhead-Jones Farm Tennant Act, or the Land Utilization Project lands, 7,278,800 acres, were transferred from the Soil Conservation Service to the U.S Forest Service for administration. The Notice was published in the January 6, 1954 issue of the Federal Register.

“To authorize the interchange of lands between the Department of Agriculture and military departments of the Department of Defense and for other purposes.”

**1956, July 26**

**Public Law 84-804 (70 Stat. 656)**

The effect of this law on national forest land allowed the transfer of the jurisdiction of public lands between U.S. Army and the U.S. Forest Service. Good examples of land transfers made under this law would be 1) land exchanged between the Los Padres National Forest and the Army’s Fort Hunter-Liggett in the coast range of California in 1956; 2) the transfer of 27,456 acres from the U.S. Army to the national forest in conjunction with the Lake Ouachita project in Arkansas; 3) lands exchanged between the U.S. Army and the Kootenai National Forest in October, 1969, July 1971, and July 1974 connected to the Libby Dam and Reservoir project being constructed by the U.S. Army Corps of Engineers.

“Department of Agriculture Organic Act of 1956.”

**1956, August 3**

**Public Law 84-979 (70 Stat. 1032)**

Among a host of other authorizations, this law’s Section 11 authorizes the Department of Agriculture “to acquire land or interest therein, by purchase, exchange, or otherwise, as may be necessary to carry out its authorized work.” Section 11 of the Organic Act of 1956 has been invoked along with the “Acceptance of Gifts Act of 1978” to support the acquisition of forestland from non-profit conservation organizations and individuals.

“To provide for the establishment of townsites and for other purposes.”

**1958, July 31**

**Public Law 85-569 (72 Stat. 438)**

Allows the Secretary of Agriculture to set aside and designate an area not to exceed 640 acres for any single application, as a townsite from any national forest land after a satisfactory showing of a need for such a designation by any county, city or other local governmental division. Includes provisions and procedures.

“To facilitate administration and management by the Secretary of Agriculture of certain lands of the United States within National Forests.”

**1958, September 2**

**Public Law 85-862 (72 Stat. 1571)**

Confers Weeks Law status to about 1.4 million acres of federal land within the external boundaries of the National Forests.

“Administration of lands under Title III of the Bankhead-Jones Farm Tennant Act by the Forest Service.”

**1960, June 20**

**Federal Register Notice (25 Federal Register 5845)**

Converted 22 Land Utilization Projects listed in this notice by the Secretary of Agriculture to National Grasslands administered by the Forest Service. The Notice was published in the June 24, 1960 issue of the Federal Register. This part



was amended by the addition of two more Land Utilization Projects in Texas, namely, Boggy Creek (TX-22) and McClellan Creek (TX-24) on December 6, 1962, 27 *Federal Register* 12217-12218) Boggy Creek is now part of Black Kettle National Grasslands and McClellan Creek is the McClellan Creek National Grasslands.

“Grouping of the National Grasslands into administrative units and providing specific designations therefore.”

**1961, March 16 (effective April 1, 1961) Federal Register (26 Federal Register 2467)**

Grouped 22 Land Utilization Projects listed in the June 20, 1960 edition of the *Federal Register* into 18 named National Grasslands in a new Section of Title 36 of the *Code of Federal Regulations*, namely Section 213.5, but currently part of Section 213.1.

Allows public lands and lands acquired under Section 8 of the Taylor Grazing Act of 1934 to be added to the National Forest System

**1962, July 9**

**Public Law 87-140 (76 Stat. 140)**

Lands acquired under the gift and exchange provisions of Section 8 of the Taylor Grazing Act of 1934 and are within the boundaries of the national forests, and which are determined to be suitable for forestry purposes by the Secretary of Agriculture, may be reserved by the issuance of a Public Land Order by the Secretary of the Interior and ordered added to the national forest.

“Depository Library Act of 1962.”

**1962, August 9**

**Public Law 87-579 (76 Stat. 352)**

The most significant legislative revision of the depository library program since the Printing Act of 1895 significantly expanding the scope of publications distributed to depository libraries to include documents produced in agency printing plants. The immediate effect was to increase the number of depository libraries from 592 in 1962 to 993 by the end of the decade principally due to the creation of new regional depositories (2 in each state) and revising the qualifications for libraries to become depositories.

Policies and procedures regarding the selection, establishment, and administration of National Recreation Areas.

**1963, March 26**

**Circular #1, President’s Recreation Advisory Council**

Circular #1 sets forth the Council’s findings, definitions, selection criteria, the establishment and administration of National Recreation Areas for all agencies to follow. States that “National Recreation Areas shall be established by an act of Congress.” [https://www.nps.gov/parkhistory/online\\_books/anps/anps\\_5g.htm](https://www.nps.gov/parkhistory/online_books/anps/anps_5g.htm)

“Wilderness Act.”

**1964, September 3**

**Public Law 88-577 (78 Stat. 890)**

Established a National Wilderness Preservation System, defined “wilderness,” and began a ten-year process for identifying areas suitable for wilderness designation. [78 Stat. 891] “Sec. 3. (a) All areas within the national forests classified at least 30 days before the effective date of this Act by the Secretary of Agriculture or by the Chief of the Forest Service as “wilderness,” “wild,” or “canoe” are hereby designated as wilderness areas. ”The Act also provided for a formal review of 34 remaining National Forest Primitive Areas occupying 5.5 million acres by 1974 under the RARE (Roadless Area Review and Evaluation) process.

“Land and Water Conservation Fund Act of 1965.”

**1964, September 3**

**Public Law 88-578 (78 Stat. 897)**

Effective January 1, 1965, the Act establishes a land and water conservation fund in the U.S. Treasury to assist in preserving, developing, and assuring accessibility to outdoor recreation resources. Proceeds from offshore drilling fees, entrance fees collected by federal agencies, federal surplus property sales, and motorboat fuel taxes shall be deposited into the fund and funds distributed to the states and to federal agencies. Includes provisions for land acquisition by federal land management agencies including the Forest Service. The fund can be used in support of outdoor recreation, under a few provisions, to purchase private lands within the boundaries of established national forests, wilderness areas, and purchase units approved by the National Forest Reservation Commission. Purchases can be made outside the boundaries of the national forests of up to 500 acres in the case of any one forest that would comprise and integral part of a forest recreational management area. Land acquisition on the national forests west of the 100<sup>th</sup> Meridian limited to 15% of total acreage acquired by the Forest Service. The LWCF was extended for another 25 years in 1990 and expired in 2015. The legal authorization of the LWCF expired on Sunday, September 30, 2018. The Land and Water Conservation Fund was permanently reauthorized as part of the

bipartisan John D. Dingell, Jr. Conservation, Management, and Recreation Act, signed into law on March 12, 2019. It requires at least 40% of funds to be used by federal agencies and at least 40% to be allocated to the states.

“Wild and Scenic Rivers Act.”

**1968, October 2**

**Public Law 90-542 (82 Stat. 906)**

Established a National Wild and Scenic Rivers System, defines ‘wild and scenic,’ immediately designated eight rivers as Wild and Scenic and identified 27 additional rivers as potential additions to the Wild and Scenic Rivers System.

“National Trails System Act.”

**1968, October 2**

**Public Law 90-543 (82 Stat. 919)**

Instituted “a national system of recreation and scenic trails,” designated the Appalachian Trail and the Pacific Crest Trail as initial components of that system, and prescribed the methods by which, and standards according to which, additional components might be added to the system. 14 other potential trails were authorized to be studied and examined for possible inclusion in the national system of trails. Eight National Scenic Trails were established, four administered by the U.S. Forest Service (Continental Divide National Scenic Trail, established 1978, Florida National Scenic Trail, established 1983, the Pacific Crest National Scenic Trail, established in 1968, and the Pacific Northwest National Scenic Trail designated in 2009). Fifteen National Historic Trails were in place with only one such trail administered by the Forest Service, the 1,170-mile-long Nez Perce (Nee-Me-Poo) National Historic Trail, from Wallowa Lake, Oregon to the Bear Paw Mountains in Montana, established on October 6, 1986 (Public Law 99-455, 100 Stat. 1122). All other National Scenic and National Historic Trails are administered by agencies of the U.S. Department of the Interior, even though many run through or across the National Forests. The Act was amended by Public Law 100-470 of October 4, 1988 (102 Stat. 2281) that recognized that state and local governments had a role to play under the National Trails System Act and to establish guidelines and principles in the case of abandoned rights of ways.

“National Environmental Policy Act of 1969.”

**1970, January 1**

**Public Law 91-190 (83 Stat. 852)**

Established a national policy for the environment and a Council on Environmental Quality. Mandated “Environmental Impact Statements” in particular circumstances.

“Forest and Rangeland Renewable Resources Planning Act of 1974.”

**1974, August 17**

**Public Law 93-378 (88 Stat. 476)**

Directs the Forest Service to protect, develop, and enhance the productivity and other values through long-range planning to ensure the future supply of forest resources while maintaining a quality environment. The law requires that a renewable resource assessment and a Forest Service plan be prepared every ten and five years, respectively, in order to prepare for the future of the natural resources under its care. The law’s Section 10 (88 Stat. 480) defines the “National Forest System.”

<https://www.fs.fed.us/emc/nfma/includes/range74.pdf#search='Forest%20and%20Rangeland%20Renewable%20Resources%20Planning%20Act%20of%201974'>

“Federal Land Policy and Management Act”

**1976, October 21**

**Public Law 94-579 (90 Stat. 2743)**

The Federal Land Policy and Management Act, or FLPMA governs the way in which the public lands administered by the Bureau of Land Management are managed. However, because the law addresses land use planning, land acquisition and dispositions (FLPMA, Title II), it necessarily includes the National Forest System in sections that deal with these topics and has a section on “National Forest Townsites,” revising the Act of July 31, 1958 (72 Stat. 438, see above). Updated by the “Federal Land Transaction Facilitation Act of 1988” (PL 100-409, 102 Stat. 1086) and the “Federal Land Transaction Facilitation Act of 2000” (PL 106-248, 114 Stat. 613).

“National Forest Management Act of 1976.”

**1976, October 22**

**Public Law 94-588 (90 Stat. 2949)**

Act amends the Forest and Rangeland Renewable Resources Planning Act of 1974. Significantly, revises Section 10 of the 1974 law (now renumbered Section 9) that “Notwithstanding the provisions of the Act of June 4, 1897, no land now or hereafter reserved or withdrawn from the public domain as national forest [under various laws] shall be returned to the public domain except by an act of Congress.” Section 17 repeals Section 4 and 5 of the Weeks Law by transferring all functions of the National Forest Reservation Commission to the Secretary of Agriculture and prohibits the Secretary of Agriculture to enter into any agreement to purchase or to exchange land for or in the National Forests valued at over \$25,000 until after 30

days of submitting a report to the committees of the House and Senate which have oversight responsibilities over the National Forest System among other provisions. [https://en.wikipedia.org/wiki/National\\_Forest\\_Management\\_Act\\_of\\_1976](https://en.wikipedia.org/wiki/National_Forest_Management_Act_of_1976)

“Acceptance of Gifts Act of 1978.”

**1978, October 10**

**Public Law 95-442 (92 Stat. 1065)**

Authorizes the Secretary of Agriculture “to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests or devices of real and personal property made for the benefit of the United States Department of Agriculture or for the carrying out of any its functions.” This law, along with Section 11 of the Organic Act of 1956, has been invoked to support the acquisition of forestland from non-profit conservation organizations and individuals.

“Federal Land Exchange Facilitation Act of 1988.”

**1988, August 20**

**Public Law 100-409 (102 Stat. 1086)**

The purpose of the law is to facilitate and expedite land exchanges pursuant to the Federal Land Policy and Management Act of 1976 and other laws administered by the Department of the Interior and Agriculture by providing uniform rules and regulations pertaining to land appraisals and to establish procedures and guidelines for the resolution of disputes. Also, by providing sufficient resources for land exchange activities and to require a study and report on the handling of information related to federal lands.

“National Forest System Month, 1991.”

**1991, June 28**

**Proclamation 6311 (195 Stat. 2631)**

Recognizes the Centennial of the National Forest System and proclaims the month of June 1991 as National Forest System Month and encourages all Americans to join in the celebration of 100 years of natural resources stewardship by the Forest Service.

“Federal Land Transaction Facilitation Act of 2000.”

**2000, July 25**

**Public Law 106-248 (114 Stat. 613)**

Acknowledges that Federal land management agencies of the Interior and the Agriculture Departments have the authority under the Federal Land Policy and Management Act of 1976 to sell, exchange, and acquire land and also acknowledges that the sale or exchange of land between the federal government and private landowners would facilitate and make more efficient federal land management. This law provides for a more expeditious process for disposal and acquisition of land.

“Education Land Grant Act.”

**2000, December 28**

**Public Law 106-577, Title II (114 Stat. 3070)**

Authorizes the Secretary of Agriculture to convey National Forest System lands to a public school district for use for educational purposes at the discretion of the Secretary acting under certain guidelines outlined in the law. Such a conveyance not to exceed 80 acres at any one time. Allows for subsequent applications for additional land conveyances.

Centennial of the Forest Service, 2005.

**2005, February 7, 2005**

**Proclamation 7865 (119 Stat. 3699)**

Presidential Bush proclaimed February 1, 2005 as the Centennial of the Forest Service of the Department of Agriculture, calling upon the people of the United States “to recognize this anniversary with appropriate programs, ceremonies and activities in honor of the Forest Service’s contributions to our country.

“Forest Service Facility Realignment and Enhancement Act of 2005.”

**2005, August 2**

**Public Law 109-54, Title V (119 Stat. 559)**

Authorizes the Secretary of Agriculture to convey an administrative site, facility or improvement at fair market value and to use the proceeds for the acquisition, improvement, maintenance, reconstruction, or construction of a facility for the National Forest System and, where applicable, reasonable brokerage fees.

“Omnibus Public Land Management Act of 2009.”

**2009, March 30**

**Public Law 111-11 (123 Stat. 991)**

A landmark piece of public lands legislation that combined 159 separate bills considered by the Senate Committee on Energy and Natural Resources during the 110<sup>th</sup> and earlier Congresses. The law expanded the National Wilderness Preservation System by two million acres, conveyed and exchanged lands, added to the National Trails System and to the National Wild and Scenic Rivers System, designated 10 new National Heritage Areas, dealt with ocean exploration, domestic water rights, and included many other provisions. Section 5205 of the law (123 Stat. 158) designated the Pacific Northwest National Scenic Trail

extending approximately 1,200 miles from the Continental Divide in Glacier National Park to the Pacific Ocean in the Olympic National Park to be administered by the U.S. Forest Service.